



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

Carl Weisbrod, *Director*  
Department of City Planning

**VIA EMAIL & HAND DELIVERY**

August 13, 2015

Ms. Charise L. Terry, PHR  
Executive Director  
NYC Equal Employment Practices Commission  
253 Broadway, Suite 602  
New York, NY 10007

Dear Ms. Terry:

In response to the Audit Preliminary Determination of the Department of City Planning's Employment Practices and Procedures from January 1, 2012 through December 31, 2014, please find our response below to the noted areas of partial and non-compliance, where corrective actions were indicated. Our response includes the enclosed attachments.

First, I want to again reiterate that our agency, under Carl Weisbrod's leadership, is committed to proactively maintaining and promoting an environment of diversity and inclusion and ensuring that our agency is representative of the communities we serve.

**II. EEO TRAINING FOR AGENCY**

**Correction Action #1**

EEO Training Plan for New & Existing Employees (Attachment #1)

**III. EMPLOYMENT PRACTICES (Recruitment, Hiring & Promotion)**

**Corrective Action #2**

First, City Planning has been updating our selection processes. Specifically, we will require managers to submit Candidate Logs, which have been updated to ensure race/ethnic group is captured correctly and in compliance, as well as the addition of disability, veteran status. (Attachment #2a)

These Candidate Logs will be assessed and analyzed both individually and collectively to determine if there is adverse impact on any particular group(s). In addition, we will be leveraging the CEEDS reports

to identify where opportunities exist to address adverse impact within job groups. Regardless, we are focused on ensuring that our agency represents the diverse communities we represent and intend to proactively develop a diverse recruiting strategy to ensure job postings are reaching a diverse population of candidates. We have already begun exploring where we will test the impact of expanding our outreach for our FY 2016 new lines recruiting, which we are rolling out over the next several weeks. In addition, we have a new staff member, Monique Jones, who will be starting on August 31<sup>st</sup> and she will be working on developing the agency's Recruiting Strategy, focused on positively impacting diversity. (Attachment #2b)

Lastly, we are refreshing and updating the EEO training during New Hire Orientation. Belinda French (DCAS), EEO Officer, has graciously shared her training materials and we will be leveraging her content to ensure we are covering all required topics, at a minimum. (Attachment #2c)

### **Corrective Actions #3 & #4**

We are currently reviewing our interview processes, so that we can provide managers with better tools, including Structured Interview Guides and Candidate Evaluation Forms. We recently ran a pilot in our Planning Coordination Division for a Senior Planning Analyst role (City Planner II) and have attached sample documents for your review. These tools helped provide quantitative data for the Interviewing Panel to facilitate their decision on the most suitable candidate. Specifically, the selected candidate is a female and a minority. (Attachments #3a & 3b)

In the next few weeks, we are rolling out a new Interview Process that will incorporate similar tools – to be adjusted based on the job specifications, minimum requirements and preferred skills – as well as larger Interview Panels to fill postings with multiple, similar openings for City Planner I roles. In addition, we are planning to extend our outreach beyond planning schools we have worked with in the past to target minority, female and other underrepresented groups of candidates. We will test these tools, recruiting sources and processes, comparing the results to past practices and will adjust as needed on an ongoing, proactive basis to ensure we are impacting our diversity recruiting efforts.

Similarly, we will apply these same proactive methods towards all open positions, but with additional effort focused around underrepresentation in specific titles, as identified in the CEEDS Reports.

Lastly, our internship programs have provided strong feeder pools for open positions within the agency in the past. We will plan to capture voluntary EEO information from our interns on a go forward basis, so that we may also identify any underutilization or overutilization of protected classes.

### **Corrective Action #5**

We will work with DCAS to review competencies, skills and abilities included in job specifications for the six job groups that indicated underutilization on the CEEDS Report, as needed. We have already connected with Jodi Bryon (DCAS), Director of Workforce Analytics, to gain a better understanding of the reports. In reviewing the 4th Quarter, 2015 CEEDS Report (Attachment #5), we noticed that underutilization has been reduced to four job groups, all of which fall under the 4/5ths rule (U-80%).

While the definition of this imbalance is not considered statistically significant, we will of course continue to focus on utilization.

It is also noteworthy that largest concentration of our staff fall under the City Planner title (Job Group 006/Social Scientists) and we anticipate that this exam will be developed during Fiscal Year 2016. As part of this process, a diverse, cross-section of our staff will participate in the examination preparation with DCAS through Job Analysis Questionnaires and Subject Matter Panels to ensure the civil service examination is focused on the right competencies, skills and abilities. Similarly, we are currently involved in assisting with the preparation of the City Planning Tech exam, where we were able to have all provisional employees in the title participate in the process.

#### **Corrective Action #6**

Human Resources Professionals within City Planning that are involved in recruiting and selection are trained in EEO and interviewing, selection and hiring skills and act as coaches to hiring managers within the agency. We have identified a need to refresh our managers on EEO and interviewing and selection and identifying the most capable candidates. While we prepare for this training, we are rolling out the aforementioned Structured Interview Guides and Candidate Evaluation Forms over the next month for all positions, which can be customized to focus on the competencies, skills and abilities required for specific roles. As mentioned earlier, these tools will ensure consistency across all interviews, as well as providing hiring managers with objective, quantitative evaluation tools and processes.

#### **Corrective Action #7**

As mentioned earlier, we have revised our selection and interview tracking process – please refer to the attached Candidate Log, which we will begin implementing immediately to replace our existing Selection Memo process. (Attachments #3a & #3b)

### **IV. CAREER COUNSELING**

#### **Corrective Action #8**

Since we have had a change in staff within the Human Resources function, we will include notification of the new Career Counselor (Dana Cohen) in the agency announcement to be sent by Director Carl Weisbrod in September that communicates the changes and upgrades within the overall agency EEO program, as well as reaffirming our commitment to Diversity & Inclusion. We will also update our new hire orientation and intranet to reflect this change and provide examples of the type of guidance available. We will also be implementing an annual process to communicate EEO information and results to the entire agency. As part of this annual communication, we will include the identity of the Career Counselor and the type of guidance available. Please note we will be updating the plan for FY 2016 with the Career Counselor's refreshed responsibilities. (Attachment #8)

### **Corrective Action #9**

As stated above, we have a communication plans that will ensure all staff is notified today of the identity of the Career Counselor, as well as inclusion in New Hire Orientation, on the intranet and part of an annual EEO communication to all staff on an ongoing basis. As part of ongoing and annual communications, we will continue to ensure that all staff are aware of job responsibilities, performance evaluations, training opportunities and job postings.

Further, we will be focusing recruiting efforts on attracting qualified candidates with disabilities. We have identified a number of recruiting sources through CDEEO and will be reaching out to the Mayor's Office for People with Disabilities, as well as Frank Palmieri (DCAS) for best practices and guidance in this area.

Lastly, we currently have only 1 55-a program participant within City Planning and both the EEO Professional (Sarah Whitham) and the Human Resources Professional (Dana Cohen) are aware.

### **V. EEO & REASONABLE ACCOMMODATIONS FOR EMPLOYEES/APPLICANTS FOR EMPLOYMENT WITH DISABILITIES**

#### **No Corrective Action Required**

Although we do not have corrective action here and no alternative formats were requested during the audit period, we will be updating the EEO section of our intranet and website, as well as all of our postings to indicate that alternative formats are available. Jocelyn Tan-Lobo provided documents with Read Out Loud capability and we will provide those instructions alongside these formats, as well as indicating that documents can be made available in large print format. (Attachments A & B)

### **VIII. REPORTING STANDARD FOR AGENCY HEAD**

#### **Corrective Action #10**

Both co-EEO Professionals (Sarah Whitham and Edwin Marshall) attended EEO Training before they assumed their responsibilities. However, Mr. Marshall was unable to locate his certificate, as he attended the original training over 10 years ago.

Although Dana Cohen assumed the Human Resources Professional role in April, she was unable to attend the EEO Training in July, due to agency-critical payroll issues. We have discussed this with Jocelyn Tan-Lobo, Executive Director of Compliance, and she has offered to provide individual training and has advised that the next EEO Training sessions are planned for Spring 2016 and Ms. Cohen will attend as soon as the training is offered again. In the meantime, Ms. Cohen will draw from her 20 years as a Human Resources Professional, leveraging the recent, extensive EEO and Diversity & Inclusion training she received at her last employer, MetLife, as well as from recent coursework.



**Corrective Action #11**

During the audit period, the co-EEO Officers reported to the Executive Director, as reflected on the organization chart. (Attachment #11)

**Corrective Action #12**

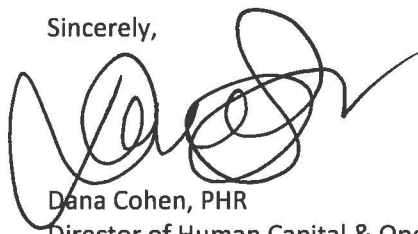
Starting at the end of this quarter, the Human Resources Professional and EEO Officer will meet with Executive Staff (Director, Executive Director, Chief Operations Officer, General Counsel) on a quarterly basis with a defined agenda to include, but not limited to, reviewing the following: CEEDS Report data (synthesized and presented in a more user-friendly format), new recruiting efforts and results/metrics, impact of outreach, etc. We will maintain a file of the agendas, minutes and follow up action items.

**Corrective Action #13**

EEPC FY 2014 Annual Plan (Attachment 13)

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Cohen', with a checkmark at the end.

Dana Cohen, PHR  
Director of Human Capital & Operations

Attachments

Cc: Carl Weisbrod  
Elona Shehu

**EEO Training Plan for New & Existing Employees – Action Plan**

Action Item	Timeframe	Audience	Owner	Dependencies/Activities
Refresh existing New Hire Orientation EEO Presentation	August 31 <sup>st</sup>	New Hires	Dana Cohen	<ul style="list-style-type: none"> <li>Update/enhance current PowerPoint created by S. Whitham &amp; E. Marshall</li> <li>Attend B. French's (DCAS) next EEO Presentation for ideas.</li> <li>Leveraging content from other agencies (e.g., DCAS) to update (e.g., EEO rights and responsibilities, discrimination complaint and investigation procedures, prevention of sexual harassment and reasonable accommodation procedures, etc.)</li> </ul>
Rollout of CBT EEO Orientation	September	New Hires Current Staff	Dana Cohen Monique Jones <i>(transfer: 08/31/2015)</i>	<ul style="list-style-type: none"> <li>Dependent on availability of training via DCAS – expect to participate in soft launch to EEO Officers in late August, per B. French (DCAS).</li> </ul>
Rollout of <i>Everybody Matters</i> CBT	October	Current Staff New Hires	Dana Cohen	<ul style="list-style-type: none"> <li>EEO Officers &amp; Managers attended in 2013 – plan to roll out CBT to entire agency and new hires.</li> </ul>
Refresh of content available on DCP Commons (intranet) with commitment communication from Director Carl Weisbrod	September	All Agency	Dana Cohen Sophie Nitkin Samantha Kleinfield	<ul style="list-style-type: none"> <li>Includes: Message from C. Weisbrod, EEO Rights &amp; responsibilities, Discrimination Complaints &amp; Investigation Procedures, Prevention of Sexual Harassment, Reasonable Accommodation Procedures, etc.</li> <li>This will also address another corrective action.</li> </ul>
Document Training Plan	September	EEPC, CDEEO, NYCCSC, NY City Council	Dana Cohen Monique Jones	<ul style="list-style-type: none"> <li>Training Plan to be included in DCP EEO Plan FY 2016.</li> </ul>



**Race / Ethnic Group:**

**(W) White, not of Hispanic Origin** - A person having origins in any of the original peoples of Europe, North Africa,

**(B) Black, Not of Hispanic Origin** - A person having origins in any of the Black racial groups of Africa.

**(H) Hispanic** - A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or

**(A) Asian or Pacific Islander** - A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, (including, for example, China, India, Japan, Korea, The

**(N) American Indian or Alaskan Native** - A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

**Disability Information:**

**Disabled** - A person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

**Veteran & Disability Information:**

**Veteran of the Vietnam Era** - A person who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released from there with other than a dishonorable discharge, or (2) was discharged or released from active duty for a service-connected disability

**Disabled Veteran** - A veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Department of Veterans Affairs for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under federal law to have a serious employment disability; or a person who was discharged or released from active

## **Recruiting Resources:**

### **APA Divisions**

Gays and Lesbians in Planning <https://www.planning.org/divisions/galip/>

Latinos & Planning <https://www.planning.org/divisions/latinos/>

Planning & the Black Community <https://www.planning.org/divisions/blackcommunity/>

Planning & Women <https://www.planning.org/divisions/planningandwomen/>

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### **Other Opportunities to Explore:**

Build and develop relationships with local schools that target diversity (e.g., BMCC, Rutgers, etc.)

Affinity groups within specific programs

Mayor's Office of Veteran Affairs <http://www.nyc.gov/html/vets/html/services/employment.shtml>

New York State Hire-a-Veteran <http://labor.ny.gov/businessservices/hire-a-veteran.shtm>

American Indian Science & Engineering Society <http://www.aises.org/>

National Society for Black Engineers <http://www.nsbe.org>

Society of Hispanic Professional Engineers <http://www.shpe.org/>

Society of Women Engineers [http://careers.swe.org/home/index.cfm?site\\_id=18141](http://careers.swe.org/home/index.cfm?site_id=18141)

Other related resources provided by CDEEO

LinkedIn Planning & Urban Design Affinity Groups

Relationships with Technical High Schools in the NY Metro Area

Further dedicated research



# DIVERSITY & EQUAL EMPLOYMENT OPPORTUNITY TRAINING

# Agenda

- Introductions
- What is EEO?
- Behaviors that may violate the City's EEO Policy
- Sexual Harassment



## Agenda (cont'd.)

- ❑ Discrimination Complaint Procedures
- ❑ Reasonable Accommodation Policy & Procedures
- ❑ Diversity & Inclusion Awareness
- ❑ Questions / Wrap Up





# Introductions

Name

Role / LOS

Share one thing others would not know about you that you're willing to share



## What is EEO all about?

Equal employment opportunity exists when all employees and applicants for employment, regardless of their race, gender, national origin, religion, and other protected categories are given an equal opportunity to succeed in the workplace.

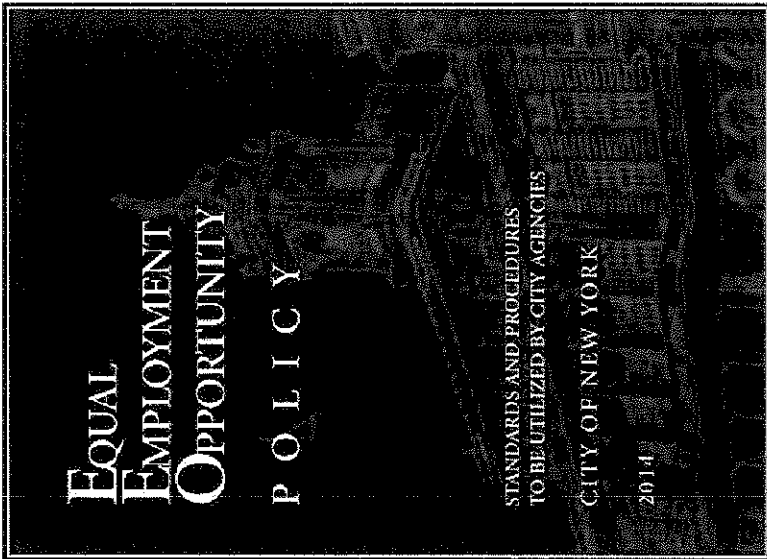


# What is EEO all about? (cont'd.)

Decisions and actions must be made without discrimination in the areas of:

- Recruitment
- Testing
- Selection
- Hiring
- Work assignments
- Salary and benefits
- Accommodations
- Working Conditions
- Performance Evaluations
- Promotions
- Training opportunities
- Career development
- Transfers
- Discipline
- Termination



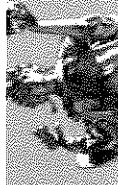


# THE CITY'S EEO POLICY

# The City's EEO Policy

Created to:

- Ensure that all workplaces in City agencies are free of discrimination, including harassment
- Provides a process for employees and applicants for employment to complain about discrimination or seek a reasonable accommodation
- Protects employees and applicants for employment from retaliation when making EEO complaints or cooperating in EEO investigations



## The City's EEO Policy (cont'd.)

- Covers:
  - All City employees
  - Applicants for employment
  - WEP Participants
  - Interns (paid and unpaid)
  
- Applies to extensions of the workplace:
  - Field locations
  - Off-site City functions
  - City vehicles
  - Any facility where City business is being conducted and discussed

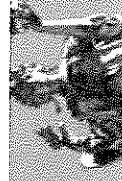




# Protected Categories

City employees and applicants for employment are protected from discrimination based on the following categories, whether actual or perceived:

- Age (18 or older)
- Alienage/Citizenship Status
- Color
- Creed/Religion
- Disability
- Gender/Gender Identity
- Marital Status
- Military Status
- National Origin
- Partnership Status
- Predisposing Genetic Characteristics/Genetic Information
- Prior Record of Arrest/Conviction
- Race/Ethnicity
- Sexual Orientation
- Unemployment Status
- Victim of Domestic Violence
- Victim of Sex Offenses or Stalking



# Examples of Behavior that may violate the City's EEO Policy

- ❑ Treating an individual differently based on a protected category
- ❑ Engaging in unwelcome behavior that creates a threatening, intimidating, offensive, or hostile work environment
- ❑ Using derogatory or demeaning statements, slurs, jokes, gestures, notes, materials, or emails
- ❑ Treating individuals differently because of their association with persons in a protected category
- ❑ Retaliating against or harassing any person for: (1) Filing an EEO complaint, (2) seeking a reasonable accommodation, (3) opposing discrimination in the workplace, (4) cooperating in an EEO investigation





# SEXUAL HARASSMENT



# Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of sexual nature when:

- Submission to or rejection of this conduct explicitly or implicitly affects an individual's employment
- Unreasonably interferes with an individual's work performance
- Creates an intimidating, hostile, or offensive work environment



## What is Unwelcome Conduct?

- Conduct is unwelcome if you did not initiate it, encourage it, provoke it or request it
- Conduct that makes you feel you are being ridiculed or that the conduct is demeaning, insulting, offensive, undesirable, hostile, intimidating, or threatening



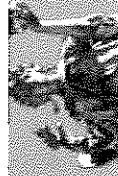
# Examples of Sexually Harassing Behavior (Quid Pro Quo)

- Asking for or pressuring a person into granting sexual favors in exchange for a job benefit
- Threatening a person with negative employment decisions for rejecting sexual advances



## Examples of Sexually Harassing Behavior (Hostile Work Environment)

- Telling sexual jokes or making sexual comments which cause discomfort to an individual
- Repeatedly asking a co-worker for a date if the invites are unwelcome
- Using office equipment, interoffice mail, the internet, e-mail, social media, cell phones, texts, voice-mail, or bulletin boards to send or display sexually suggestive messages, pictures, cartoons, posters, or objects
- Leering, squeezing, pinching, grabbing, or other touching



## Intent vs. Impact

- Even if it is not your intent to hurt others, your behavior may be unwelcome, offensive, intimidating, or hostile, and therefore potentially harassing
- Be aware of how others are reacting to your behavior, the impact of your behavior, and always treat others with courtesy and respect





# DISCRIMINATION COMPLAINT PROCEDURES



## Filing a Complaint

- Complaints can be filed against a supervisor, co-worker, client, customer, consultant, vendor, another City employee, or other person who is not a City employee
- Complaints must be made within one year of the incident that you are complaining about
- You can file a complaint anonymously by calling or writing the EEO Officer or an EEO Representative





## Meeting with the EEO Officer

- You can meet with an EEO representative during office hours, however, you should get permission from your supervisor to leave your work area.
- If you prefer, an EEO representative can arrange to meet with you before or after office hours, during lunch, or at outside premises, without your supervisor's knowledge or permission.
- You can bring someone with you to the EEO meeting, as long as you inform the EEO representative in advance.



# NYC Employees' EEO Complaint Procedure

What can I do if I believe that I have been discriminated against?

**1**  
Refer to "All About EEO" or the City's EEO Policy or your agency's EEO Complaint Form

**2**  
Document the incident or behavior

**3**  
Contact your agency's EEO Office

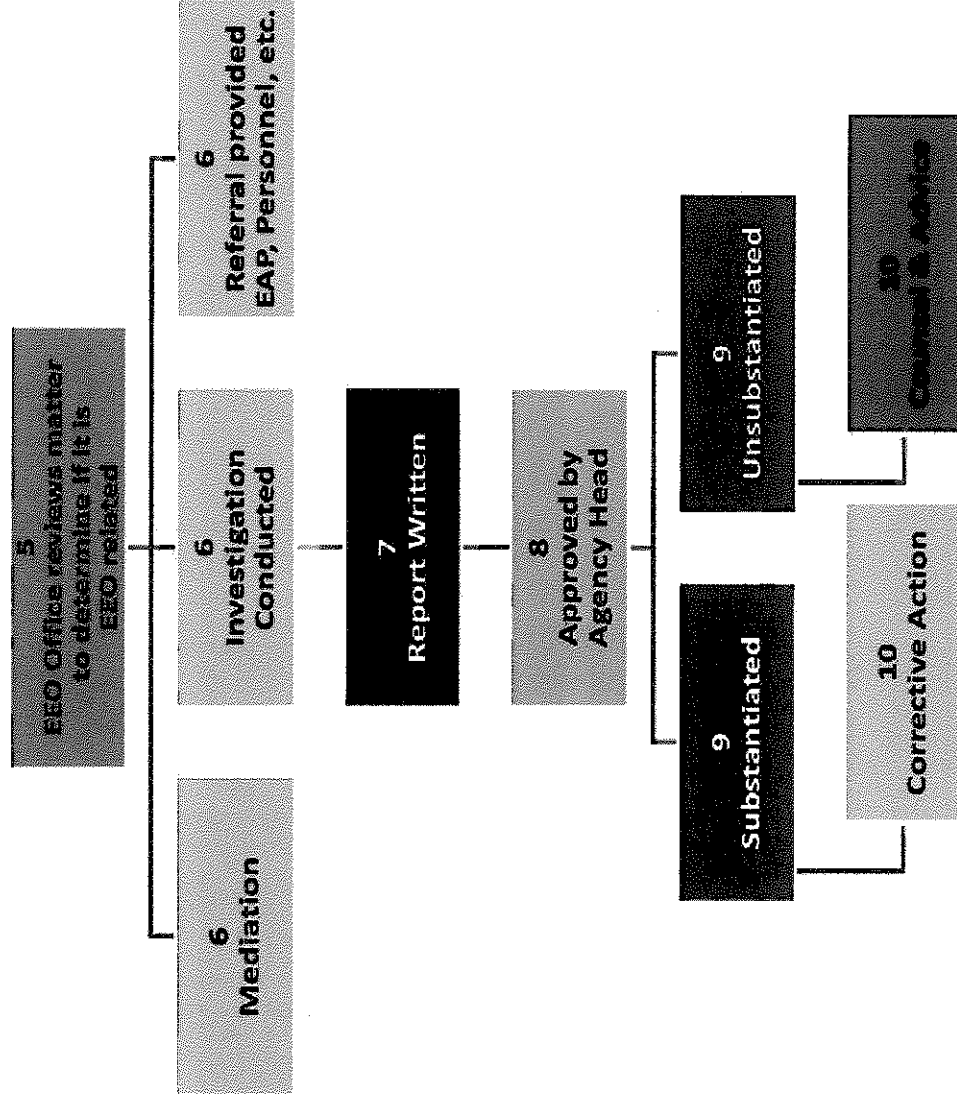
**4**  
Prepare for your meeting with the EEO Office  
Review your agency's EEO Complaint Form

**5**  
The EEO Office will review the matter to determine if it is EEO related



# NYC Employees' EEO Complaint Procedure (cont'd)

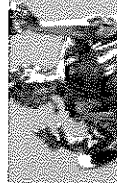
What happens once I go to my EEO Office?



## Filing an External Complaint

You have a right to file a complaint with any of the federal, state, and local agencies that enforce laws against discrimination listed below:

- New York City Commission on Human Rights (CCHR)
- New York State Division of Human Rights (SDHR)
- United States Equal Employment Opportunity Commission (EEOC)
- United States Department of Justice, Civil Rights Division
- United States Department of Labor (DOL)





# Confidentiality

- All EEO related matters (e.g., complaints, investigations, requests for reasonable accommodations, records, etc.) will be handled, to the greatest extent possible, in a manner that will protect the privacy interests of those involved



# REASONABLE ACCOMMODATION



## Reasonable Accommodations

A reasonable accommodation is a change or adjustment to a job or work environment that enables a qualified applicant or employee to:

- Participate in the job application process
- Perform the essential functions of a job
- Enjoy the benefits and privileges of employment equal to employees without an accommodation



## Reasonable Accommodations

May be provided based on:

- Disability
- Religion
- Pregnancy, childbirth, or related medical condition
- Victims of domestic violence, sex offenses, or stalking





## Types of Accommodations

- ❑ **Facilities:** Making facilities physically accessible to persons with disabilities
- ❑ **Job Restructuring:** Reallocating non-essential assignments, voluntary shift swaps/reassignment
- ❑ **Modified Work Schedules and Leave**
- ❑ **Modified Policies and Support Services**
- ❑ **Equipment:** providing or modifying equipment, devices, or materials



# Requesting a Reasonable Accommodation

## STEP 1

Speak to Supervisor/Manager or EEO representative

## STEP 2

Complete form available on DCAS website or at the  
EEO office  
Provide documentation in support of your request

## STEP 3

Agency evaluates request  
Agency determines if request will be granted



# Undue Hardship

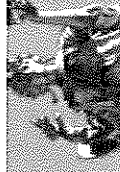
City agencies are required to provide reasonable accommodations unless providing such accommodations create an undue hardship

- Undue hardship
- An accommodation that is excessively difficult, costly, extensive, substantial, or disruptive
- An accommodation that would change the nature or operation of an agency's business



## Appealing a Denied Request

- If a request for a reasonable accommodation is denied, you may:
  - Accept the agency's decision and end the process
  - File an appeal with your agency head or his or her designee
  
- If your appeal is denied, you may file a discrimination complaint with your agency's EEO Office or with any of the federal, state, and local agencies that enforce laws against discrimination

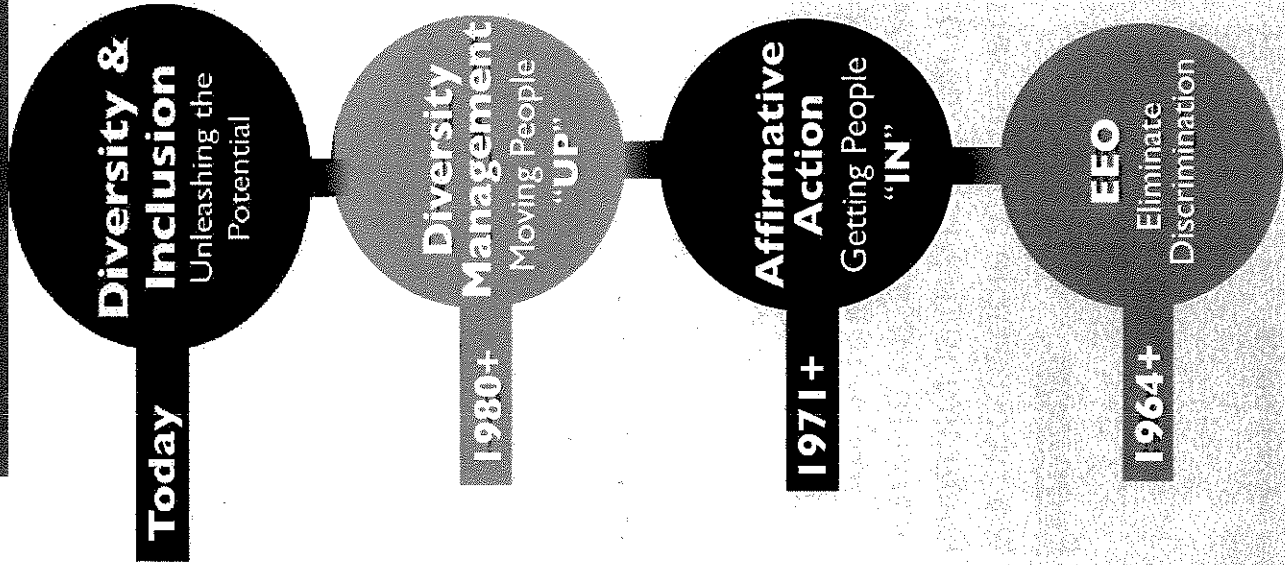


# DIVERSITY & INCLUSION





# Evolution of Diversity & Inclusion



Proactive

Voluntary

Legislative

Qualitative

Quantitative

Reactive

# How We Define Diversity: “Everyone”

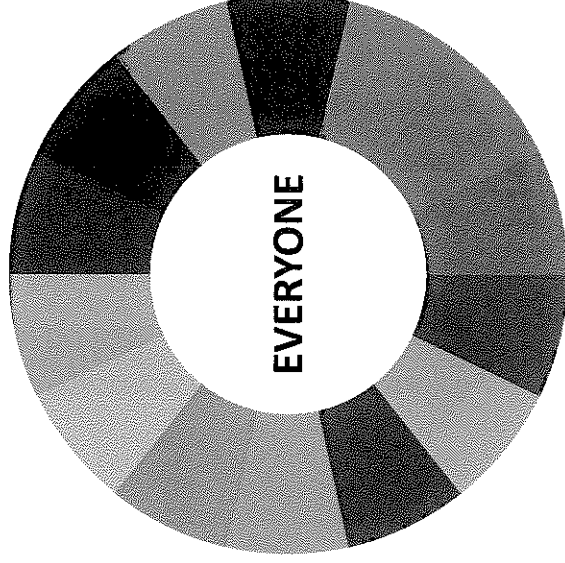
## Everyone

No two people are the same. Diversity is the inclusion of people who are different. The power of diversity is that we can use multiple opinions, cultures and backgrounds to drive our best work.

## Business Case

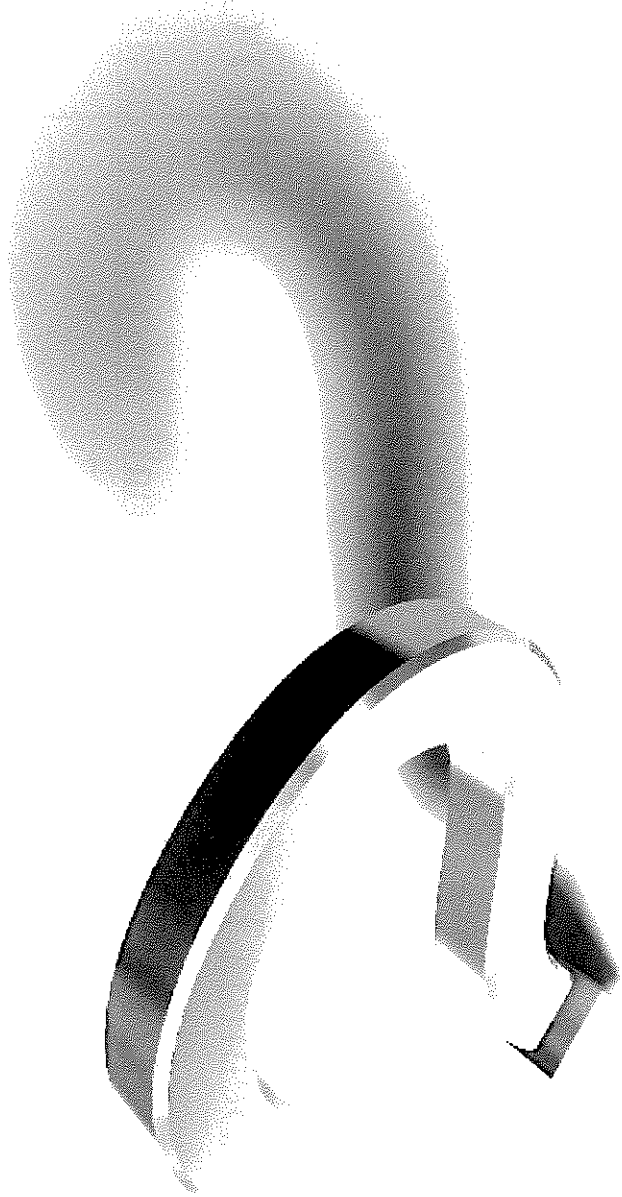
Cultures that ignore diversity and inclusion invite lower productivity, higher absenteeism, and higher turnover resulting in higher costs.

A diverse and inclusive organization receives increased productivity, reduced turnover, sustainable leadership and a brand and legacy of relevance to the communities it serves.



- Age
- Culture
- National Origin
- Race/Ethnicity
- Language
- Religion
- Expertise & Education
- Family Status
- Gender
- Gender
- Identity/Expression
- Sexual Orientation
- Differently Abled
- Veterans

# Questions? / Wrap-Up





# Thank You for Attending!

Questions? Please contact:

Belinda French, DCAS Diversity & EEO Officer

Tel: (212) 386-0297 or Email: [bfrench@dcas.nyc.gov](mailto:bfrench@dcas.nyc.gov)

Learn more about the City's EEO Policy, the Reasonable Accommodation Process, and Discrimination Complaint

Procedures on the DCAS website:

<http://www.nyc.gov/html/dcas/html/about/resources.shtml>



**BEHAVIORAL INTERVIEW GUIDE**

**TAKING INITIATIVE/PROBLEM SOLVING**

<p><b>Can you give an example of where you took the initiative to solve a problem or make your agency/organization more productive?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>
<p><b>Based on what you know about DCP, where do you think we can be more productive? How would you go about testing and convincing others this is the case?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>

## BEHAVIORAL INTERVIEW GUIDE

### ANALYTICAL SKILLS

<p><b>Can you tell me about your analytic background?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>
<p><b>Based on what I've told you regarding the new CD Needs approach, what of kind of analytics would you consider performing to help government? How might you show the results of this analysis?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>

# BEHAVIORAL INTERVIEW GUIDE

## PRESENTATIONS

<p><b>Can you share an experience where you had to relay information in a community setting?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>
<p><b>Tell me about your proudest presentation to a senior leader? Why was it your proudest?</b> <i>What was it? (Situation)</i></p>	<p><i>What did you do? (Action)</i></p>	<p><i>What was the outcome? (Result)</i></p>

# BEHAVIORAL INTERVIEW GUIDE

## COMMUNITY BOARD EXPERIENCE

<b>What has been your experience with CBs?</b> <i>What was it? (Situation)</i>	<i>What did you do? (Action)</i>	<i>What was the outcome? (Result)</i>
<b>Q: How do you think they could be more effective?</b> <i>What was it? (Situation)</i>	<i>What did you do? (Action)</i>	<i>What was the outcome? (Result)</i>

## BEHAVIORAL INTERVIEW GUIDE

### DRIVING RESULTS THROUGH OTHERS

<b>Q: Can you share an experience where you had to get something done through others? What worked well?</b> (others on your team, other agencies, DMs) <i>What was it? (Situation)</i>	<i>What did you do? (Action)</i>	<i>What was the outcome? (Result)</i>
<b>Q: What's an example of where have you failed at this? What did you learn to do differently?</b> <i>What was it? (Situation)</i>	<i>What did you do? (Action)</i>	<i>What was the outcome? (Result)</i>

CANDIDATE EVALUATION FORM

Date: 7/28/2015

Position: Senior Planning Analyst

**COMPETENCIES**

Questions	Relative Importance (1-3)	Score (1-5)					Weighted Score (1-5)							
		Score (1-5)	Weighted Score (1-5)	Score (1-5)	Weighted Score (1-5)	Score (1-5)	Weighted Score (1-5)	Score (1-5)	Weighted Score (1-5)	Score (1-5)	Weighted Score (1-5)			
1 Can you give an example where you took the initiative to solve a problem or make your agency more productive?	3													
2 Based on what you know about DCP, where do you think we can be more productive?	1													
3 How would you go about testing and convincing others this is the case?														
3 Can you tell me about your analytic background?	3													
4 Based on what I've told you regarding the new CB Needs approach, what kind of analytics would you consider performing to help government? How might you show the results of this analysis? (testing for structured thinking/output ... we want this person NOT to be scared of Excel or Powerpoint)	2													
5 Can you share an experience where you had to relay information in a community setting?	2													
6 Tell me about your proudest presentation to a senior leader?	2													
7 Why was it your proudest? (are they clear about objectives, outcomes, style of presenting)	2													
8 What has been your experience with CBs?	1													
9 How do you think they could be more effective?	1													
10 Can you share an experience where you had to get something done through others? What worked well?	3													
11 What's an example of where have you failed at this? What did you learn to do differently?	1													
<b>TOTAL</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Relative Importance:  
 1 - Important  
 2 - Very Important  
 3 - Critical



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NEW YORK CITY DEPARTMENT OF PERSONNEL  
 C E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 001 ADMINISTRATORS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	8	8	16	.5092	8.15	-0.15	-0.07	0.471	
ETH	BLACK	3	13	16	.1745	2.79	0.21	0.14	0.446	
ETH	HISPANIC	2	14	16	.1543	2.47	-0.47	-0.32	0.373	
ETH	ASIAN / PAC ISL	2	14	16	.1123	1.80	0.20	0.16	0.436	
ETH	NATIVE AMERICAN	0	16	16	.0668	0.11	-0.11	-0.33	0.370	N-05%RUL
ETH	ETH UNKNOWN	1	15	16	.0247	0.40	0.60	0.97	0.165	
GEN	MALE	8	8	16	.5906	9.45	-1.45	-0.74	0.231	
GEN	FEMALE	8	8	16	.3841	6.15	1.85	0.95	0.170	
GEN	GENDER UNKNOWN	0	16	16	.0046	0.07	-0.07	-0.27	0.393	N-05%RUL

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 C E D S S Y S T E M  
 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
 AT THE AGENCY/JOBGROUP LEVEL

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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 002 MANAGERS  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	36	11	47	.5133	24.13	11.87	3.47	<.01	O
ETH	BLACK	4	43	47	.1889	8.88	-4.88	-1.82	0.035	U-80%RUL
ETH	HISPANIC	4	43	47	.1297	6.10	-2.10	-0.91	0.181	N-05%RUL
ETH	ASIAN / PAC ISL	3	44	47	.1017	4.78	-1.78	-0.86	0.195	N-05%RUL
ETH	NATIVE AMERICAN	0	47	47	.0018	0.08	-0.08	-0.29	0.385	N-05%RUL
ETH	ETH UNKNOWN	0	47	47	.0402	1.89	-1.89	-1.40	0.080	N-05%RUL
GEN	MALE	26	21	47	.5345	25.12	0.88	0.26	0.399	
GEN	FEMALE	21	26	47	.4206	19.77	1.23	0.36	0.358	
GEN	GENDER UNKNOWN	0	47	47	.0197	0.93	-0.93	-0.97	0.166	N-05%RUL

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030 DEPARTMENT OF CITY PLANNING  
 003 MNGMNT SPECS  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	4	14	18	.4094	7.37	-3.37	-1.61	0.053	U-80%RUL
ETH	BLACK	6	12	18	.2958	5.32	0.68	0.35	0.364	
ETH	HISPANIC	3	15	18	.1295	2.33	0.67	0.47	0.319	
ETH	ASIAN / PAC ISL	5	13	18	.1301	2.34	2.66	1.86	0.031	
ETH	NATIVE AMERICAN	0	18	18	.0022	0.04	-0.04	-0.20	0.421	N-05%RUL
ETH	ETH UNKNOWN	0	18	18	.0207	0.37	-0.37	-0.62	0.269	N-05%RUL
GEN	MALE	6	12	18	.5718	10.29	-4.29	-2.04	0.020	U
GEN	FEMALE	12	6	18	.4032	7.26	4.74	2.28	0.011	O
GEN	GENDER UNKNOWN	0	18	18	.0126	0.23	-0.23	-0.48	0.316	N-05%RUL

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 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 004 SCIENCE PROFNS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	11	13	24	.4568	10.96	0.04	0.02	0.494	
ETH	BLACK	1	23	24	.1762	4.23	-3.23	-1.73	0.042	U-80%RUL
ETH	HISPANIC	3	21	24	.1023	2.46	0.54	0.37	0.357	
ETH	ASIAN / PAC ISL	9	15	24	.2258	5.42	3.58	1.75	0.040	
ETH	NATIVE AMERICAN	0	24	24	.0024	0.06	-0.06	-0.24	0.405	N-05%RUL
ETH	ETH UNKNOWN	0	24	24	.0315	0.76	-0.76	-0.88	0.188	N-05%RUL
GEN	MALE	13	11	24	.6586	15.81	-2.81	-1.21	0.114	
GEN	FEMALE	11	13	24	.3131	7.51	3.49	1.53	0.062	
GEN	GENDER UNKNOWN	0	24	24	.0201	0.48	-0.48	-0.70	0.241	N-05%RUL

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030 DEPARTMENT OF CITY PLANNING  
 006 SOCIAL SCI  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

AGENCY:  
 JOB GROUP:

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	81	44	125	.6146	76.83	4.18	0.77	0.221	N-05*RUL
ETH	BLACK	15	110	125	.1667	20.84	-5.84	-1.40	0.081	N-05*RUL
ETH	HISPANIC	6	119	125	.0913	11.41	-5.41	-1.68	0.046	O
ETH	ASIAN / PAC ISL	23	102	125	.0957	11.96	11.04	3.36	<.01	N-05*RUL
ETH	NATIVE AMERICAN	0	125	125	.0024	0.30	-0.30	-0.55	0.292	N-05*RUL
ETH	ETH UNKNOWN	0	125	125	.0251	3.14	-3.14	-1.79	0.036	N-05*RUL
GEN	MALE	66	59	125	.4873	60.91	5.09	0.91	0.181	N-05*RUL
GEN	FEMALE	59	66	125	.4930	61.63	-2.62	-0.47	0.319	N-05*RUL
GEN	GENDER UNKNOWN	0	125	125	.0163	2.04	-2.04	-1.44	0.075	N-05*RUL

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030 DEPARTMENT OF CITY PLANNING  
 008 LAWYERS  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	4	1	5	.5889	2.94	1.06	0.96	0.169	N - N<=8
ETH	BLACK	0	5	5	.1310	0.66	-0.66	-0.87	0.193	N - N<=8
ETH	HISPANIC	1	4	5	.1020	0.51	0.49	-0.72	0.235	N - N<=8
ETH	ASIAN / PAC ISL	0	5	5	.0721	0.36	-0.36	-0.62	0.267	N - N<=8
ETH	NATIVE AMERICAN	0	5	5	.0011	0.01	-0.01	-0.07	0.470	N - N<=8
ETH	ETH UNKNOWN	0	5	5	.0200	0.10	-0.10	-0.32	0.375	N - N<=8
GEN	MALE	4	1	5	.4396	2.20	1.80	1.62	0.052	N - N<=8
GEN	FEMALE	1	4	5	.4738	2.37	-1.37	-1.23	0.110	N - N<=8
GEN	GENDER UNKNOWN	0	5	5	.0010	0.01	-0.01	-0.07	0.472	N - N<=8

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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 009 PUBLIC REL

NEW YORK CITY DEPARTMENT OF PERSONNEL  
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USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	1	0	1	.5650	0.57	0.44	0.88	0.190	N - N<=8
ETH	BLACK	0	1	1	.1549	0.15	-0.15	-0.43	0.334	N - N<=8
ETH	HISPANIC	0	1	1	.1170	0.12	-0.12	-0.36	0.358	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0851	0.09	-0.09	-0.30	0.380	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0012	0.00	-0.00	-0.03	0.486	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.0322	0.03	-0.03	-0.18	0.428	N - N<=8
GEN	MALE	0	1	1	.5803	0.58	-0.58	-1.18	0.120	N - N<=8
GEN	FEMALE	1	0	1	.3401	0.34	0.66	1.39	0.082	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.0220	0.02	-0.02	-0.15	0.440	N - N<=8



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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 010 TECHNICIANS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	6	9	15	.3514	5.27	0.73	0.39	0.347	
ETH	BLACK	2	13	15	.3293	4.94	-2.94	-1.61	0.053	U-80%RUL
ETH	HISPANIC	5	10	15	.1923	2.88	2.12	1.39	0.083	
ETH	ASIAN / PAC ISL	2	13	15	.1005	1.51	0.49	0.42	0.336	
ETH	NATIVE AMERICAN	0	15	15	.0027	0.04	-0.04	-0.20	0.420	N-05%RUL
ETH	ETH UNKNOWN	0	15	15	.0182	0.27	-0.27	-0.53	0.299	N-05%RUL
GEN	MALE	8	7	15	.6181	9.27	-1.27	-0.68	0.250	
GEN	FEMALE	7	8	15	.3662	5.49	1.51	0.81	0.210	
GEN	GENDER UNKNOWN	0	15	15	.0098	0.15	-0.15	-0.39	0.350	N-05%RUL

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 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 012 CLERICAL SUPS

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	5	10	15	.2238	3.36	1.64	1.02	0.154	U-80%RUL
ETH	BLACK	6	9	15	.5619	8.43	-2.43	-1.26	0.103	U-80%RUL
ETH	HISPANIC	3	12	15	.1348	2.02	0.98	0.74	0.230	U-80%RUL
ETH	ASIAN / PAC ISL	1	14	15	.0511	0.77	0.23	0.27	0.392	U-80%RUL
ETH	NATIVE AMERICAN	0	15	15	.0038	0.06	-0.05	-0.24	0.405	N-05%RUL
ETH	ETH UNKNOWN	0	15	15	.0245	0.37	-0.37	-0.61	0.270	N-05%RUL
GEN	MALE	0	15	15	.2093	3.14	-3.14	-1.99	0.023	U
GEN	FEMALE	15	0	15	.7769	11.65	3.35	2.08	0.019	O
GEN	GENDER UNKNOWN	0	15	15	.0138	0.21	-0.21	-0.46	0.323	N-05%RUL

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030 DEPARTMENT OF CITY PLANNING  
 013 CLERICAL  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	1	7	8	.1867	1.49	-0.49	-0.45	0.327	N - N<=8
ETH	BLACK	4	4	8	.5347	4.28	-0.28	-0.20	0.422	N - N<=8
ETH	HISPANIC	3	5	8	.1509	1.21	1.79	1.77	0.038	N - N<=8
ETH	ASIAN / PAC ISL	0	8	8	.0716	0.57	-0.57	-0.79	0.216	N - N<=8
ETH	NATIVE AMERICAN	0	8	8	.0039	0.03	-0.03	-0.18	0.430	N - N<=8
ETH	ETH UNKNOWN	0	8	8	.0478	0.38	-0.38	-0.63	0.263	N - N<=8
GEN	MALE	2	6	8	.2820	2.26	-0.26	-0.20	0.420	N - N<=8
GEN	FEMALE	6	2	8	.6776	5.42	0.58	0.44	0.331	N - N<=8
GEN	GENDER UNKNOWN	0	8	8	.0359	0.29	-0.29	-0.55	0.293	N - N<=8

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 WORK FORCE COMPARED WITH INTERNAL & EXTERNAL POOLS  
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AGENCY: 030 DEPARTMENT OF CITY PLANNING  
 JOB GROUP: 027 TRANSPORTATION  
 PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	0	1	1	.1897	0.19	-0.19	-0.48	0.314	N - N<=8
ETH	BLACK	1	0	1	.4871	0.49	0.51	1.03	0.152	N - N<=8
ETH	HISPANIC	0	1	1	.1720	0.17	-0.17	-0.46	0.324	N - N<=8
ETH	ASIAN / PAC ISL	0	1	1	.0381	0.04	-0.04	-0.20	0.421	N - N<=8
ETH	NATIVE AMERICAN	0	1	1	.0037	0.00	-0.00	-0.06	0.476	N - N<=8
ETH	ETH UNKNOWN	0	1	1	.1083	0.11	-0.11	-0.35	0.364	N - N<=8
GEN	MALE	1	0	1	.7529	0.75	0.25	0.57	0.283	N - N<=8
GEN	FEMALE	0	1	1	.1439	0.14	-0.14	-0.41	0.341	N - N<=8
GEN	GENDER UNKNOWN	0	1	1	.1023	0.10	-0.10	-0.34	0.368	N - N<=8

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030 DEPARTMENT OF CITY PLANNING  
 031 PARA PROFESSION

PERSONS WITH MISSING EEO DATA INCLUDED IN CNTS  
 PROBABILITY CUT-OFF FOR IMBALANCE: 0.05

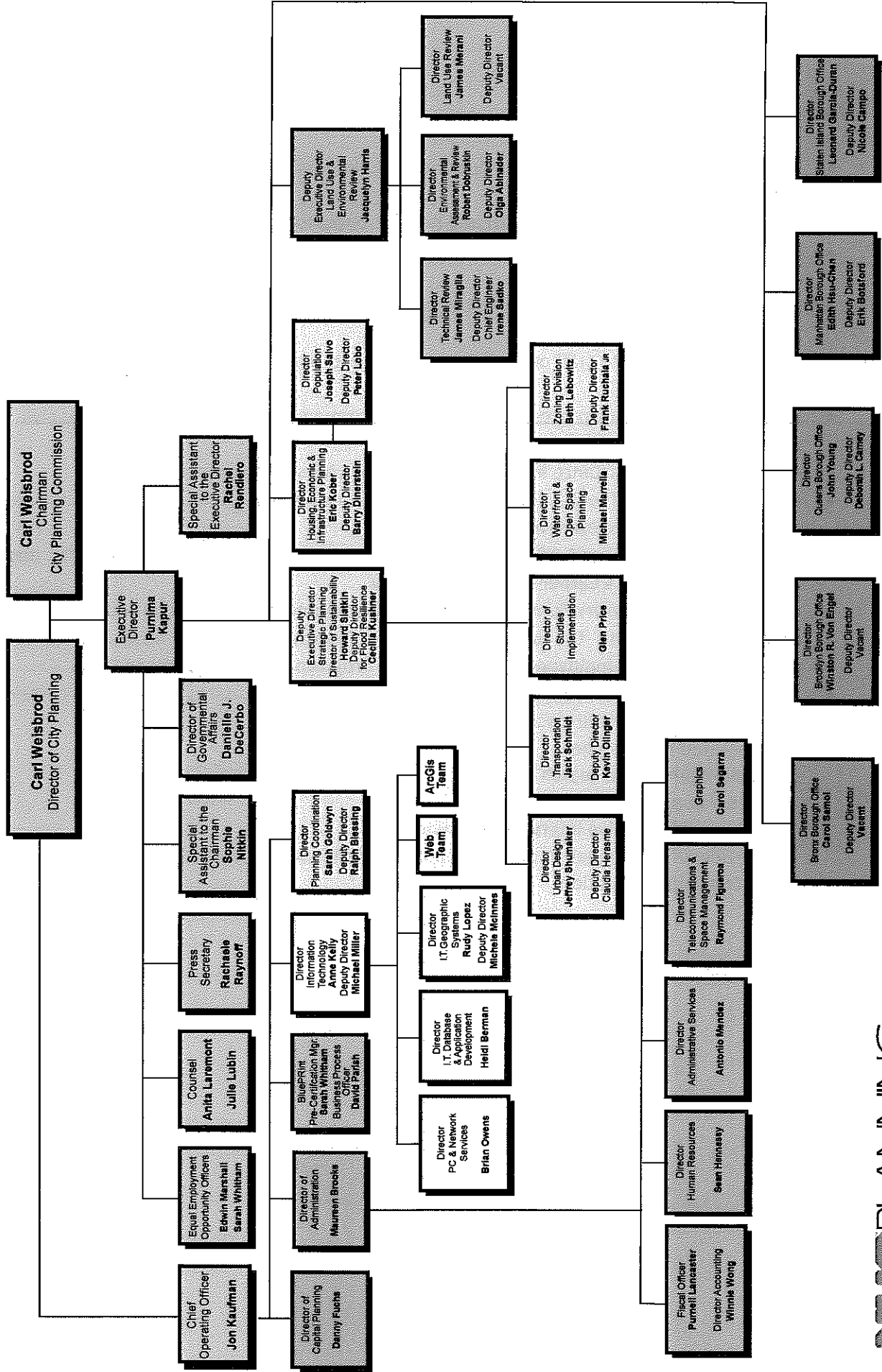
USING BINOMIAL TEST

EEO VAR	EEO VAL	FOCAL GROUP	OTHER THAN FOCAL GROUP	TOTAL	AVAIL %	EXPECTED #	DIFFERENCE	Z-SCORE	PROBABILITY	IMBAL
ETH	WHITE	3	1	4	.3243	1.30	1.70	1.82	0.034	N - N<=8
ETH	BLACK	0	4	4	.2673	1.07	-1.07	-1.21	0.114	N - N<=8
ETH	HISPANIC	0	4	4	.2449	0.98	-0.98	-1.14	0.127	N - N<=8
ETH	ASIAN / PAC ISL	1	3	4	.0964	0.39	0.61	1.04	0.149	N - N<=8
ETH	NATIVE AMERICAN	0	4	4	.0025	0.01	-0.01	-0.10	0.460	N - N<=8
ETH	ETH UNKNOWN	0	4	4	.0269	0.11	-0.11	-0.33	0.370	N - N<=8
GEN	MALE	2	2	4	.3798	1.52	0.48	0.50	0.310	N - N<=8
GEN	FEMALE	2	2	4	.5812	2.32	-0.32	-0.33	0.371	N - N<=8
GEN	GENDER UNKNOWN	0	4	4	.0011	0.00	-0.00	-0.07	0.474	N - N<=8

## **Career Counselor Responsibilities:**

- Promote employee awareness of opportunities for promotion and transfer within the agency.
- Informs employees on promotional and transfer opportunities.
- Responsible for arranging agency wide notification of promotional and transfer opportunities.
- Encourage the use of training and development programs to improve skills, performance and career opportunities
- Provide information to staff on both internal and external Professional Development training sources
- Explain the civil service process to staff and what it means to become a permanent civil servant.
- Provide technical assistance in filing for up-coming civil service exams
- Provides agency staff with citywide vacancy announcements, civil service exams notices and other career development information;
- Conducts workshops and advises staff on resume writing and interviewing skills; and manages the agency's Career Counseling Library.
- Provide employees with information on career development at the Agency and Citywide.
- Continue to facilitate the use of training to improve skills and access to career opportunities of all employees in its Leadership Program and via referrals to DCAS
- Assists employees and Work Experience Program participants assess and develop career paths and provide resources and support for:
  - Targeted job searches
  - Development job search strategies
  - Resume preparation
  - Review of effective interview techniques
  - Review of techniques to promote career growth and deal with change
  - Internship exploration

# DEPARTMENT OF CITY PLANNING ORGANIZATION CHART







DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE COMMISSIONER

April 30, 2014

Mr. R. Fenimore Fisher  
Chief Diversity & EEO Officer  
Department of Citywide Administrative Services  
One Centre Street—17<sup>th</sup> Floor North  
New York, NY 10007

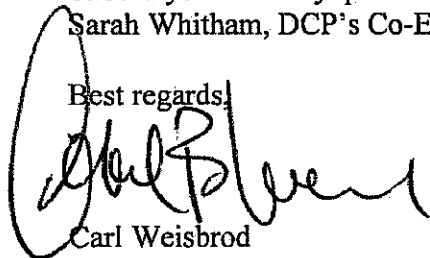
Dear Mr. Fisher:

Enclosed is the Equal Employment Opportunity Annual Plan for the Department of City Planning for fiscal year 2014, covering the period from July 1, 2013 to June 30, 2014.

Please be advised that the Department has made a new needs request to OMB for a full-time EEO Officer, and until such time that the Department receives additional EEO staff resources, we may not be able to fully implement the plan. However, I have directed my staff to undertake what can be done with our current resources.

Should you have any questions or require additional information, please contact Edwin Marshall or Sarah Whitham, DCP's Co-EEO Officers, respectively at (212) 720-3560 or (212) 720-3452.

Best regards,



Carl Weisbrod

C: Richard Barth  
Edwin Marshall  
Sarah Whitham  
Anita Laremont  
Julie Lubin  
Maureen Brooks  
Sean Hennessy

Enc.

Carl Weisbrod, Commissioner  
22 Reade Street, New York, NY 10007-1216  
(212) 720-3200, FAX (212) 720-3219  
nyc.gov/planning



**THE DEPARTMENT OF CITY PLANNING  
DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY PLAN  
FISCAL YEAR 2014**

**I. Introductory and Commitment Statement by the Agency Head:**

*We recognize that the people of our agency are one of our greatest assets, and we are committed to the recruitment, development and retention of a diverse and inclusive workforce that is reflective of our City's population. We recognize that when we talk about Diversity, we are talking about the inclusion of people who are different. When we value our differences, we build stronger teams driving the best performance. I expect all managers and supervisors to promote a work environment that values equity, inclusion of, and respect for all. I want our employees, present and future, to view our agency as a model employer.*

**II. Recognition and Accomplishments:**

- *All DCP Awards are posted on the Department of City Planning's internal website "DCP Commons." External awards are also posted on DCP's external website.*
- *The Department of City Planning held an internal Awards Ceremony on November 21, 2013. Anyone in the agency may nominate a colleague for an award by filling out a form that includes an explanation of why the individual deserves the award; the explanation must address each award's criteria. Awards include the following categories:*
  - *Barney Rabinow Award – Recognizes promising new employees (who have been in the agency a minimum of 2 years) in all disciplines of the department who have consistently demonstrated creativity, innovation and dedication to their work and the potential for professional growth. Criteria include demonstration of outstanding development of job skills; motivation for professional development; development of team work skills and innovative ideas; and initiative in completing assignments and advancing the agency's work program. In 2013, 14 staff were honored with this award.*
  - *Rita Barrish Award – Recognizes long-term commitment to the agency for employees with outstanding leadership qualities and service, extensive accomplishments, creativity and knowledge in planning disciplines, as well as having made a significant contribution to the agency's work program during the last two years. Criteria include demonstration of ability to motivate others to excel; mentoring and sharing of knowledge; promotes teamwork; fosters a work environment of trust, plans work strategies that foster innovative thinking and methods; serves as a role model through positive interactions with staff at all levels. In 2013, 2 staff were honored with this award.*
  - *Cultural Values Awards – Recognizes staff at all levels for their demonstration of the agency's core cultural values: Teamwork, Trust, Innovation, Pride of Work, Growth and Development; and Accountability. In 2013, 4 staff were honored with this award.*

- *Michael Weil Award for Urban Design – Bestowed upon a Department of City Planning employee for excellence in the pursuit of urban design in the public sector. This award recognizes an employee's achievement in urban design through project management, policy enactment, design guidelines, or otherwise significant contributions to the public realm.. In 2013, 1 staff person was honored with this award.*
- *Outstanding Achievement Award – Recognizes outstanding performance on complex and challenging assignments resulting in a major accomplishment(s) benefiting the agency and the City. Criteria include: demonstration of the highest level of skills, creativity and innovation on a major agency initiative; initiated or established new, innovative practices leading to successful project completion; established success in motivating and collaborating with colleagues, and promoting creative problem-solving; and utilizing management skills to guide project advancement and effectively delegate and empower project staff. In 2013, 10 staff were honored with this award.*
- *Special Projects Award(s) – Recognizes team members of significant agency projects that exemplify outstanding accomplishments. In 2013, three team projects were honored with this award: BluePRint Team (Business Process Reform); Sustainable Communities East New York Study; and Sheridan Expressway-Hunts Point Transportation and Land Use Study.*
- *In addition to the Awards Ceremony (held every 1-2 years), Agency personnel received the following honors during FY 2013 and FY 2014:*
  - *In February 2013, DCP staff received 2012 Excellence in Technology Awards: Anida Murati (Excellence in IT Service and Support Manager), Ella Liskovich (Excellence in IT Service and Support Staff) and, for the Best IT Collaboration award recognizing the DEEP – Inter Agency Information Sharing Program, Rudy Lopez, Wendy Smyth, Heidi Berman, Michele McInnes, Hernan Garcia and Steve Oliver.*
  - *In April 2013, DCP was awarded the American Planning Association's 2013 National Planning Excellence Award for Environmental Planning for "Zone Green."*
  - *In October 2013, DCP employees Patti Thode-Nolan, Bruni Rivera, and Brendon Pillar received Customer Service Excellence Awards.*

### **III. Accountability Statement:**

*During FY 2014, I will issue a Commitment Statement to affirm the principles of diversity, inclusion and equal employment opportunity. This effort will serve as guidance to managers and*

*supervisors across all levels, as well as communicate the focus of our agency in this area to all employees. I will drive accountability by integrating the EEO Officer in critical human resources discussions specific to inclusive recruitment, selection and development of talent. My leadership team, including the Co-EEO Officers, will work directly to implement the objectives and actions of this plan, as well as work to create a diversity and inclusion strategy based upon guidance provided by DCAS Citywide Diversity and EEO. We will conduct discussions throughout the year coinciding with the issuance of our quarterly workforce reports and will take steps to review the goals we achieved at the end of the year as well as opportunities for further progress. I expect the Co-EEO Officers to serve as a resource for agency managers and supervisors by providing us with best practices, assessing employment decisions and providing direction in addressing any identified EEO issues. I will continue to hold managers, supervisors, EEO and human resources professionals accountable for the effective implementation of the City's EEO Policy.*

#### **IV. Reporting and Communication Statement**

1. The agency will continue to monitor recruitment, hiring/selection, promotion, compensation, separation, demotion and transfer rates, on a quarterly basis. I will promote inclusive agency practices, policies, programs enhancing our progress in establishing a diverse workforce and pipeline across all levels of our agency.
2. The agency will submit quarterly reports to CDEEO.
3. The agency will submit a timely annual plan each year to CDEEO on behalf of the Mayor's Office, the City Council, Equal Employment Practices Commission and the Civil Service Commission.

#### **V. Proactive Strategies to Enhance Diversity, EEO and Inclusion**

**The primary goals of the Department of City Planning strategy for FY 2014 focused on enhancing diversity, equal employment opportunity and the overall value of inclusion are the following:**

1. *Workforce Goal: Begin to align diversity recruiting, internal candidate development and equitable selection practices strategically with current employment needs, underutilization assessment and budget realities, using the most relevant workforce key performance indicators (KPIs) such as: representation, retention, tenure, transfers, promotions, separations and placement rates .*
2. *Workplace Goal: Implement, in addition to EEO training, training for our workforce focused on diversity and inclusion, as well as communicate our agency's values and definitions for diversity and inclusion.*
3. *Community Goal: Identify best practices the agency staff can use to ensure that we are as inclusive and culturally competent when dealing with the public (preparing for public outreach meetings; zoning help desk protocols, etc.).*

**VI. Recruitment**

**A. Recruitment Efforts**

1. Summary of Recruitment Efforts - Include steps that will be taken to give notice to all employees of discretionary job postings within the agency as well as proactive efforts/strategies planned to market positions externally to attract the best and most inclusive candidate slates.

*When the Agency receives approval for new hires, the Agency posts the Job Descriptions (which include application instructions) on its external website (under Job Opportunities), its internal website (under Job Opportunities), on agency bulletin boards, and will do so on eHire.*

Diverse Recruitment Source(s)	What sort of return do you expect to see from the effort?
<p><i>1. Postings are shared with schools and universities that grant degrees in City Planning, Urban Design, or related degrees.</i></p>	<p><i>1. We expect to reach potential applicants that are obtaining these degrees and preparing for a career in City Planning, Urban Design, or related careers. Depending on the diversity of these student bodies, we may be able to reach a diverse applicant pool.</i></p>

2. Do you have annual internship opportunities at your agency? If so, how many student interns did you employ in FY 2013? Please provide any demographic information concerning this population.

*The Department of City Planning has a formal summer internship program which commences in June of each year. For the summer internship program that commenced at the end of FY 2013, the Department recruited 58 interns. The Department has not historically collected demographic data on interns.*

3. Indicate your plans to provide internship opportunities in FY 2014.

*In FY 2014, the Department will continue its formal Summer Internship program which begins in June 2014. The Co-EEO Officers will work with the internship coordinator to develop and launch a sustainable survey tool to gather basic demographic data about its summer interns.*

**B. 55-a Program**

1. Please discuss plans to utilize the 55-a Program to hire and retain qualified individuals with disabilities. Do you plan on participating in career and job fairs, using internship, work-study, co-op and other programs to attract a pool of diverse 55-a program applicants?

*The EEO Officer/55-a Coordinator will reach out to the Mayor's Office for People with Disabilities to meet with them to review samples of the agency's typical job postings and*

*internship needs and discuss appropriate strategies for disseminating job postings through the MOPD's mentee database and disabled groups' databases. This could help to attract a pool of individuals with disabilities who may be qualified for positions at the agency, but could also qualify for, and benefit from, the 55-a program.*

2. What are the goals of your 55-a program coordinator?

*The 55-a program coordinator's goal is to work closely with the Agency's EEO Officers and the Personnel Officer to do as much as possible to highlight the 55-a program for agency staff (agency's intranet, agency email, and incorporation of 55-a information into New Employee Orientation material) and to counsel staff who may be interested in pursuing 55-a status.*

3. What is your agency doing to promote and encourage 55-a program participants in taking civil service examinations?

*The Department currently has one individual in the 55-a program. The 55-a Coordinator will work with the Personnel Officer to develop a list of appropriate civil service examination opportunities and share this information with the 55-a participant.*

## **VII. Selection (Hiring and Promotion)**

1. For FY 2014, if your agency is fiscally able to hire new employees and/or backfill open positions, please discuss the planned duties for your career counselor specific to advising employees of opportunities for promotion as well as overall career development.

*In FY 2013, the Agency established a performance evaluation program that includes a development plan component. The development plan component is intended to help the supervisor guide the employee in a discussion about career development and identify learning and development opportunities that will help the employee achieve career goals. Due to the size of our agency, there are limited promotional opportunities, but we feel it is important for the employee to give thought to their career development and maximize their potential. New employees joining the agency will participate fully in the performance evaluation program. Sean Hennessy, our agency's career counselor, and Mark Cox, our agency's learning and development officer, are available to assist supervisors to have these discussions with their employees and provide support as necessary. These activities will continue through FY 2014.*

2. For FY 2014, how will your agency review the methods by which candidates are selected for employment and promotion?

*The Agency's longstanding practice is to post the job opening and collect letters/resumes in support of applications for the open position. All resumes are forwarded to the Division Director where the job is open. That Director reviews the resumes, selects interview candidates based on the job requirements and skills specifications highlighted in the job posting, and conducts interviews. Interviews may be conducted with the participation of a Division Deputy Director or other key staff who would be supervisory to the new hire. Directors make their hiring decisions*

*and convey their selected candidate information to the Agency's Personnel Officer to conclude the hiring process. In FY 2014, the Agency will commence data collection on the selection process in order to monitor the selection process and hiring outcomes.*

3. What are your current procedures for selection, especially for mid- and high-level discretionary positions?

*The Agency's longstanding practice is to post the job opening and collect letters/resumes in support of applications for the open position. All resumes are forwarded to the Division Director where the job is open. The Division Director reviews the resumes, selects interview candidates based on the job requirements and skills specifications highlighted in the job posting, and conducts interviews. Interviews may be conducted with the participation of a Division Deputy Director or other key staff who would be supervisory to the new hire. Directors make their hiring decisions and convey their selected candidate information to the Agency's Personnel Officer to conclude the hiring process.*

*In FY 2014, the Agency will commence data collection on the selection process in order to monitor the selection process and hiring outcomes.*

4. What steps are taken to ensure that selection process is objective and job related? For instance, have you explored/implemented structured interviewing and/or training, panel interviews, etc.?

*The Agency posts its job openings which highlight specific skills desired for the position. Directors prepare their own lists of interview questions to use during interviews to elicit the best qualified candidate and to ensure consistency across interviews.*

*In FY 2014, the Agency will work with its HR personnel to review the selection process and identify any steps (if necessary) to ensure that the selection process is objective and job related.*

5. What steps will your agency take in FY 2014 to review your positions filled through a civil service list? Detail planned actions specific to review of title specification, job description, interview procedures and selection procedures. Discuss your current protocol for use of the interview log to identify applicants by gender and race/ethnicity. Discuss all planned steps taken to identify barriers to entry for positions and actions under consideration to address such barriers (if they exist). Lastly, when identifying groups of subject matter experts to assist the DCAS test development team, please describe good faith efforts that will be taken to select a diverse and inclusive group of individuals.

*For FY 2014, the Agency had one Civil Service List (City Planner List) and we appointed all existing staff on that list. We did not have authorization to hire additional City Planner staff off the list. We will promulgate, and explain the importance of the use of an interview log to identify applicants by gender and race/ethnicity (see Items 2, 3, and 4 - commence data collection on selection process). We will undertake to identify if barriers to entry for positions exist, and if they do, we will work to develop actions to address those barriers that are within our control.*

*When identifying groups of subject matter experts to assist the DCAS test development team, we will conduct good faith efforts to select a diverse and inclusive group of individuals from amongst our staff to assist with test development.*

6. Describe the planned steps for reviewing interview logs, establishing diverse interview panels, as well as steps taken to utilize e-hire (if applicable).

*As part of the City's planned roll-out of eHire, the Agency commenced exclusive use of eHire for all job openings in February 2013. The Agency's HR Division is adapting its practices to this new system. We will supplement eHire with internal data collection (as noted in Items 2,3,4 and 5). The Agency's EEO Officers and HR Personnel will meet regularly to review data. If issues are identified that need to be addressed, the team will develop and implement remedies.*

7. Briefly detail which stages of selection involve your EEO Officer (pre- and post-selection).  
*The EEO Officers are not currently involved in pre- and post-selection activities.*

8. During future periods of layoffs, terminations and demotions due to legitimate business/operational reasons, what is your protocol for analyzing the impact of such actions based upon gender, race and age?

*The EEO Officers work with the Agency's General Counsel to identify the necessary adverse impact analyses that need to be done and prepare and review the analyses with the Agency's General Counsel, in accordance with guidelines promulgated by OCDEEO and the Law Department.*

**VIII. Workforce Analysis:**

1. Describe steps taken to encourage all employees at your agency to update self-ID information regarding race, ethnicity, gender, disability and veteran status through either NYCAPS Employee Self Service or other means. If such efforts were made during previous years, please indicate what was done.

New hires are supplied with a NYCAPS data collection form and instructions for the collection of this information. In FY 2014, the Agency will alert all employees (via email, intranet) about the importance of filling out this data through Employee Self Service.

2. For FY 2014, are you planning review of the CEEDS workforce composition, utilization, new hires and promotions reports presented by your EEO Officer in consultation with the Personnel Officer and your General Counsel? Yes X or No

**Training:**

Please detail planned training for FY 2014 inclusive of both diversity/inclusion and EEO training, as well as career development and/or leadership training, interviewing skills, etc.

Training Topic	Type of Audience (Line, HR, Managers and Number of	Target Participants
----------------	--	---------------------



	Supervisors, combination, etc.)	
<i>EEO Computer Based Training CBT (via DCAS OCDEEO)</i>	<i>Combination of Line and Manager/Supervisors</i>	235
<i>Everybody Matters CBT</i>	<i>Combination of Line and Manager/Supervisors</i>	235
<i>Microtriggers CBT</i>	<i>Combination of Line and Manager/Supervisors</i>	50

Please provide a list of dates (where possible) for planned EEO training for new employees during FY 2014 and the timeframe for providing EEO training to newly promoted supervisors/managers using the established computer based training. Additionally, please describe your efforts to conduct EEO training once every two years- for your workforce. -

*An employee orientation was held for new permanent and temporary (consultant) staff on January 31, 2013. The EEO Policy was reviewed at this time, and contact information for the Agency's EEO Officers was provided. New employee orientations sessions in FY 2014 will include this content, and new staff will be included in the CBT rollout.*

**IX. Reasonable Accommodation:**

Please advise as to actions your agency will take to ensure that the interactive process during the review of reasonable accommodation requests is compliant with EEO Policy as well as New York City Human Rights Law. Additionally, please detail any best practices currently implemented by your EEO Officer in working with supervisors prior to requests being awarded and/or denied. Lastly, please describe your current appeal protocol.

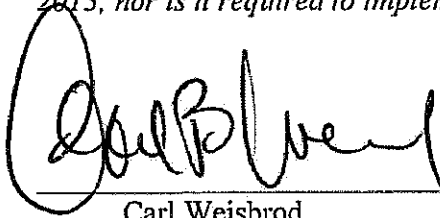
*In FY 2013, no reasonable accommodation requests were made. As always, the agency will provide reasonable accommodations to persons with disabilities, for religious observances and practices, and for victims of domestic violence, sex offenses or stalking, unless providing such accommodations will create an undue hardship. I or my designee, Maureen Brooks, Director of Operations, will review within 10 business days an employee's or applicant's appeal of the denial of a reasonable accommodation request. I or my designee will issue a decision within 15 days of receipt of the appeal.*

*The Department of City Planning will ensure the confidentiality of medical records submitted with the reasonable accommodation requests. Such information must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. The agency may disclose medical information only in the following circumstances: to first-aid personnel, if the disability might require emergency treatment; (2) to government officials investigating the agency's compliance with applicable laws; (3) to worker's compensation offices in accordance with Workers' Compensation Law; and (4) for insurance purposes. Moreover, managers and supervisors may be informed of an employee's necessary work restrictions and any accommodations required.*

*The Department of City Planning will maintain a record of all reasonable accommodation requests and provide information requested by Citywide Diversity and EEO. This agency has implemented voluntary alternative complaint resolution procedures, including EEO counseling, mediation and investigation.*

**X. Audits and Corrective Measures:**

*The Department of City Planning did not undergo an EEPC or other EEO Agency audit in FY 2013, nor is it required to implement any corrective actions as the result of any previous audit.*

A handwritten signature in black ink, appearing to read "Carl Weisbrod", is written over a horizontal line. The signature is stylized and cursive.

Carl Weisbrod

Addendum: Contact Information for NYC Department of City Planning

1. Carl Weisbrod  
Director, Department of City Planning  
22 Reade Street, 2<sup>nd</sup> Floor  
NYC, NY 10007  
[aburden@planning.nyc.gov](mailto:aburden@planning.nyc.gov)  
212-720-3200
  
2. Richard Barth  
Executive Director, Department of City Planning  
22 Reade Street, 2<sup>nd</sup> Floor  
NYC, NY 10007  
[rbarth@planning.nyc.gov](mailto:rbarth@planning.nyc.gov)  
212-720-3500
  
3. EEO Co-Officers  
Edwin Marshall  
22 Reade Street, 6th Floor West  
NYC, NY 10007  
[emarsha@planning.nyc.gov](mailto:emarsha@planning.nyc.gov)  
212-720-3560
  
4. Sarah Whitham  
22 Reade Street, 2<sup>nd</sup> Floor  
NYC, NY 10007  
[swhitha@planning.nyc.gov](mailto:swhitha@planning.nyc.gov)  
212-720-3452
  
5. Career Counselor  
Sean Hennessy  
22 Reade Street, 1st Floor  
NYC, NY 10007  
212-720-3682  
[shennes@planning.nyc.gov](mailto:shennes@planning.nyc.gov)
  
6. Disability Rights & 55-a Coordinator  
Luming Frumkin  
22 Reade Street, 6th Floor East  
NYC, NY 10007  
212-720-3469  
[lfrumki@planning.nyc.gov](mailto:lfrumki@planning.nyc.gov)

# **About EEO:**

## **What You May Not Know**

**City of New York**

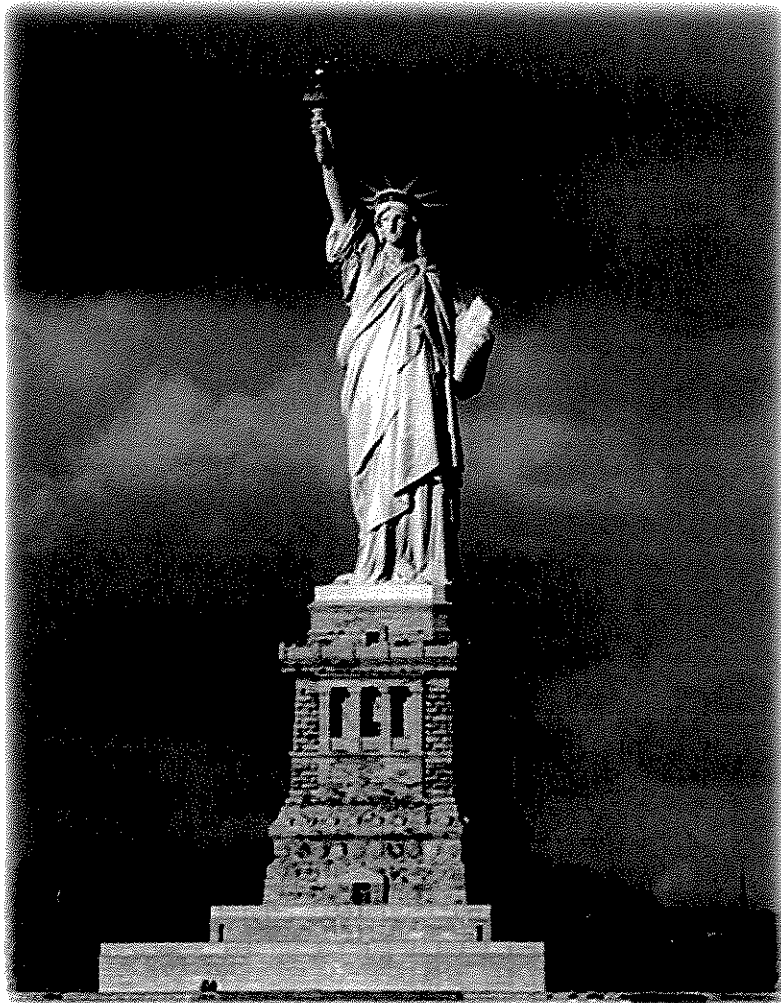


**Department of Citywide Administrative Services**

**This booklet was written to help you to learn all about EEO**

## **EEO = Equal Employment Opportunity**

- What the City's EEO Policy covers
- What your EEO rights and responsibilities are
- Where you can get information and help







“I am strongly committed to having a municipal workforce that reflects the diversity and talent of our City’s population. Everybody matters, and we will work as one City serving the needs of our dynamic and diverse communities. Our City does not belong to any individual or set of individuals. It belongs to all the people. It is a City that lifts the floor for those struggling day to day and offers every New Yorker a fair shot.”

**Bill de Blasio**  
**Mayor**



“Equality and inclusion will be at the forefront of how we apply the civil service system to our employment practices. DCAS will work with agencies to provide the most critical resources they need to plan for future employees. We will work to ensure that employment candidate pools are inclusive, selections are equitable and that current employees are valued and developed.”

**Stacey Cumberbatch**  
**Commissioner**  
**Department of Citywide Administrative Services**



“Differences are to be valued not just tolerated. Compliance, alone, is a required action, not a value. The City of New York values all our employees they are our greatest asset.”

**R. Fenimore Fisher**  
**Chief Citywide Diversity and Equal Employment**  
**Opportunity Officer**



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# What is EEO all about?

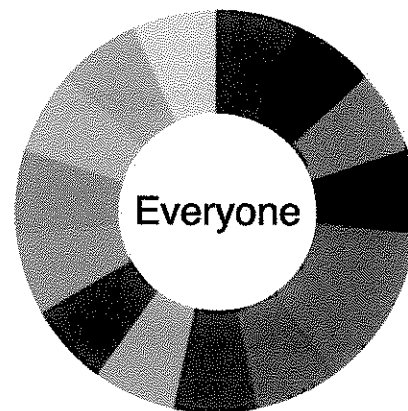


Equal opportunity exists when all employees and applicants for employment, regardless of their race, gender, national origin, religion, etc., are given an **equal opportunity** to succeed in the workplace. This means that all decisions and actions that impact

recruitment, testing, selection, hiring, work assignments, salary and benefits, accommodations, working conditions, performance evaluations, promotions, training opportunities, career development, transfers, discipline and termination must be made without discrimination.

## Diversity & Inclusion

In addition to our commitment to providing equal opportunity we are committed to valuing diversity and maintaining an inclusive work environment for *all* New York City employees. It is through the inclusion of our diversity of thought, experience, culture, and background that we do our best work.



- Age
- Culture
- Disability
- Expertise & Education
- Family Status
- Gender
- Gender Identity/Expression
- Language
- Majority
- Minority
- National Origin
- Race/Ethnicity
- Religion
- Sexual Orientation
- Veterans

# New York City's EEO Policy

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender, and all other protected categories.



The City's EEO Policy provides a process for employees and applicants for employment to complain about discrimination and also protects them from retaliation when they make EEO complaints or cooperate in EEO investigations. To learn more about the City's EEO Policy, contact an EEO representative at your agency or visit the DCAS website or your agency's intranet site.

If you are subjected to unwelcome conduct, you may complain regardless of whether the harasser is a manager, supervisor, co-worker, client, customer, consultant, vendor, or other person who is not a City employee. You may complain about harassment if you are a manager or supervisor, a Work Experience Program ("WEP") participant, an intern (paid or unpaid), or if someone other than yourself is the target of the offensive conduct.

The City's EEO Policy was created to provide equal opportunity for all employees and applicants for employment by ensuring that all workplaces in City agencies are free of discrimination, including harassment, based on any of the protected categories listed on the next page.

# Protected Categories

## Under the City's EEO Policy

New York City employees are protected from discrimination based on any of the following categories, whether perceived or actual:

**Age**: persons age 18 or older.

**Alienage or Citizenship Status**: the citizenship of any person or immigration status of any person who is not a citizen or national of the United States. Employers are required by law, however, to verify the identity and work eligibility of employees. Moreover, citizenship is a lawful requirement for certain jobs (such as Police Officer).

**Color**: frequently viewed synonymously with race, discrimination based on color may occur because of a preference for, or aversion to, a particular skin color and may occur within the same racial group based on body pigmentation.

**Creed or Religion**: includes all aspects of religious observance, practice and belief, including moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.

**Disability**: any physical, medical, mental, or psychological impairment, or a history or record of such impairment, whether perceived or actual. Pregnancy may also be considered to be a temporary disability if there are medical conditions arising from the pregnancy or childbirth.

**Gender (or Sex):** gender includes actual or perceived sex and includes a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth. Pregnancy or childbirth is a gender-related condition; therefore, discrimination due to pregnancy or childbirth is considered to be gender discrimination.

**Marital Status:** whether a person is married, divorced, single, separated, or widowed. "Marital Status" should be distinguished from discrimination based on whom an individual is married to.

**Military Status:** military service includes past, present, and applicants for membership in the uniformed service, whether voluntary or involuntary.

**National Origin:** place of origin, as well as ancestry, and physical, cultural, linguistic or ethnic characteristics of, or names associated with, a particular country or region. Discrimination based on alienage (immigration status) or citizenship status can be found, in some cases, to be discrimination based on national origin.

**Partnership Status:** all individuals in a domestic partnership.

**Predisposing Genetic Characteristics/Genetic Information:** any inherited gene or chromosome, or alteration thereof, and determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.

**Prior Record of Arrest or Conviction:** generally, agencies may not deny or deprive someone of a job because of a criminal conviction, unless there is a direct relationship between the conviction and the duties of the job or an unreasonable risk to property or safety, based on a variety of factors. Agencies also may not ask about arrests that did not lead to conviction unless it is a pending arrest. These restrictions do not apply to law enforcement agencies.

**Race\Ethnicity:** includes such categories as American Indian or Alaskan native, Asian or Pacific Islander, Black, Hispanic, White, and two or more races as well as personal characteristics associated with race\ethnicity (such as hair texture, skin color, or certain facial features).

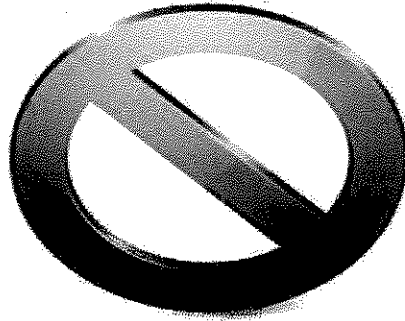
**Sexual Orientation:** heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

**Unemployment Status:** refers to those who do not have a job, are available for work, and are seeking employment.

**Victim of Domestic Violence:** a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, or a person who is or has continually or at regular intervals lived in the same household as the victim.

**Victim of Sex Offenses or Stalking:** a victim of acts which are defined as crimes that are considered to be “sex offenses” or “stalking.”

# Examples of behavior that may violate the City's EEO Policy



- **Treating an individual differently**, such as denying a person a job, because that person is believed to be disabled whether or not that person is disabled. Similarly, individuals cannot be treated differently because of assumptions or perceptions about their race, gender, religion, national origin, age, sexual orientation, etc.
- **Engaging in unwelcome behavior**, whether or not directed at a particular individual, that creates a threatening, intimidating, offensive or hostile work environment, based on race, gender, religion, national origin, age, disability, sexual orientation, etc.
- **Using derogatory or demeaning statements, slurs, jokes, gestures, notes, materials or e-mails** related to race, gender, religion, national origin, age, disability, sexual orientation, etc.
- **Treating individuals differently because of their marriage to, domestic partnership or association with**, persons of a racial, religious or national origin group; or because of their membership in or association with an organization identified with the interests of a racial, religious or national origin group;

or because their names or spouses' or domestic partners' names are associated with a racial, religious or national origin group.

- **Retaliating against or harassing any person** for: (1) filing an EEO complaint; (2) seeking a reasonable accommodation for a disability, religious observance or practice, domestic violence, sex offenses or stalking, or pregnancy; (3) opposing discrimination in the workplace; or (4) cooperating in the investigation of an EEO complaint.
- **Failing to make reasonable accommodations** for persons with disabilities and/or failing to make reasonable accommodations for religious observances or practices, domestic violence, sex offenses or stalking, or pregnancy unless providing such accommodations would create undue hardship for the agency.
- **Engaging in discriminatory or harassing behavior** at any location that could be an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where City business is being conducted and discussed.

### **How can I be sure that my behavior is not violating the EEO policy?**

You should be respectful of all of your co-workers and members of the public and be aware of the impact of your behavior on those around you.



# Sexual Harassment

## **What is sexual harassment?**

Sexual harassment is a form of discrimination prohibited by federal, state, and city laws. The federal government has created guidelines that describe sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

## **What conduct is unwelcome?**

Conduct is unwelcome if you did not initiate it, encourage it, provoke it or request it, and you feel that you are being ridiculed or that the conduct is demeaning, insulting, offensive, undesirable, hostile, intimidating or threatening.

## **What types of behavior violates the City's sexual harassment policy?**

- Telling sexual jokes or making sexual comments which cause discomfort to an individual
- Repeatedly asking a co-worker for a date if the invites are unwelcome
- Asking for or pressuring a person into granting sexual favors in exchange for a job benefit, or threatening a person with negative employment decisions for rejecting sexual advances
- Using office equipment, interoffice mail, the internet, e-mail, social media, cell phones, texts, voice-mail, or bulletin boards to send or display sexually suggestive messages, pictures, cartoons, posters or objects
- Leering, squeezing, pinching, grabbing or other touching

## **Is everyone entitled to be protected from sexual and gender-based harassment?**

Anyone can be sexually harassed. Men can be harassed by women or men. Women can be harassed by men or women. You are protected from sexual harassment whether the harasser is a manager, supervisor, co-worker, from another division or agency, client, customer, consultant, vendor, or other person who is not a City employee. You may complain about harassment even if you are a manager or supervisor, an intern, a Work Experience Program (WEP) participant or if someone other than yourself is the target of the offensive conduct.

## **What if I didn't mean to sexually harass anyone?**

Even if it is not your **intent** to hurt others, your behavior may be unwelcome, offensive, intimidating or hostile, and therefore potentially sexually harassing. Be aware of how others are reacting to your behavior – the **impact** of your behavior, and always treat others with courtesy and respect.

## **Does sexual harassment always involve conduct that is sexual in nature?**

The City's EEO Policy prohibits not only harassment of a sexual nature - involving sexual activity or language - but also harassment that involves vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment that is related to a person's gender.

## **Other Forms of Harassment**

The City's EEO Policy prohibits any type of harassment based on any of the protected categories. Harassing behavior includes, but is not limited to: slurs or abusive language, denigrating jokes, display or circulation of derogatory written or graphic materials, abusive acts, hostility, physical aggression, intimidation, or other unequal treatment.

# Reasonable Accommodations

In addition to prohibiting discrimination, the City's EEO Policy also provides for reasonable accommodations for employees and applicants for employment based on the following:

- 1) Disabilities
- 2) Religion
- 3) Status as a victim of domestic violence, sex offenses, or stalking
- 4) Pregnancy, childbirth or a related medical condition.

Whether an accommodation is reasonable will depend upon the circumstances of each request. City agencies are required to provide reasonable accommodations unless providing such accommodations creates an undue hardship.

## **What are reasonable accommodations for a disability?**

Reasonable accommodations include equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, to perform their jobs, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.



## **What is a reasonable accommodation for religion?**

A reasonable accommodation for religion is a change in a workplace rule or practice that allows you to respect your religious beliefs. Under the City's EEO Policy, agencies must try to

accommodate the religious observances, beliefs or practices of an employee or applicant, unless the accommodation creates an undue hardship for the agency.

**What types of accommodations based on pregnancy, childbirth or a related medical condition may I request?**

Depending on the circumstances, agencies may be required to provide workers with a reasonable accommodation based on pregnancy, childbirth or a related medical condition. Such a reasonable accommodation may include bathroom breaks, unpaid medical leave, periodic rest for those who stand for long periods of time, and assistance with manual labor.

**What is a reasonable accommodation for a victim of domestic violence, sex offenses or stalking?**

A reasonable accommodation for victims of domestic violence, sex offenses and stalking is a change in a workplace rule or practice that allows the individual to perform his or her job. Under the City's EEO Policy, agencies must try to accommodate an employee or applicant who is a victim of domestic violence, sex offenses or stalking, unless the accommodation creates an undue hardship for the agency.

# What types of accommodations could my agency provide?

Depending on the circumstances, accommodations that are reasonable may include, but are not limited to, those listed below:

- **Facilities:** making facilities physically accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, and signage).
- **Job Restructuring:** for example, reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of nonessential tasks to others, eliminating nonessential tasks, including a temporary restructuring of tasks, or voluntary swaps of shifts and/or reassignment.
- **Modified Work Schedules and Leave:** providing leave (e.g., permitting the use of paid or unpaid sick or annual leave for legal and medical appointments), or modifying work schedules (e.g., permitting part-time work schedules or alternative starting and ending times) either temporarily or permanently.
- **Modified Policies and Support Services:** modifying workplace practices, policies and/or procedures, providing qualified readers, interpreters, or other support services during the application, interview and testing processes, and



during training and other employment and employment-related activities, including employment-related social functions and City sponsored events, assistance with manual labor, time and/or place to pray, accommodations relating to appearance and dress, confidentiality of work addresses and phone numbers, unit, division and/or extra breaks, and periodic rest for those who stand for long periods of time.

- **Equipment:** providing or modifying equipment, devices or materials (e.g., providing large-print computer display programs).

# **More Questions on Reasonable Accommodations:**

## **What is an undue hardship?**

Undue hardship is when an accommodation is excessively difficult, costly, extensive, substantial, or disruptive, or an accommodation would change the nature or **operation of an agency's business**. Each request for an accommodation needs to be examined to determine if a request is reasonable and can be provided without creating an undue hardship.

## **How can I get an accommodation?**

Speak to a supervisor or a manager or an agency EEO representative. You may be asked to complete a form which is available at the EEO office and to provide documentation in support of your request. Requests for accommodation can be made at any time.

## **Will the information I provide related to my request be treated confidentially?**

Agency personnel must respect employee confidentiality. Information about the medical condition or history of an applicant or employee must be collected and maintained on separate forms and in separate medical files and be treated as a confidential medical record, except that: (i) supervisors and managers may be informed regarding necessary restrictions on work and accommodations required ; (ii) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; (iii) government officials investigating compliance with applicable laws must be provided relevant information on request; (iv) worker's compensation offices must be provided information as required by the Worker's

Compensation Law; and (v) insurance providers may be provided information concerning the medical condition or history of an employee. Additionally, information may be made available to your Agency's Personnel Officer and General Counsel, who will also handle with confidentiality.

**How will a decision about my request for a reasonable accommodation be made?**

The agency will evaluate your request for a reasonable accommodation and determine whether that request will be granted. In some cases, the agency may ask you to provide additional information needed to make these determinations. If the agency concludes that you do qualify for a reasonable accommodation, the agency will consult with you to determine what accommodation to provide. The EEO officer may facilitate this process and help with researching an appropriate reasonable accommodation.

**If the agency finds that I do need a reasonable accommodation, am I entitled to the accommodation I requested?**

The agency will consider your preferences, but ultimately, the agency has the right to make a choice among reasonable accommodations that are effective. If the accommodation that you receive is no longer effective, you may request a different accommodation from your supervisor or agency disabilities rights coordinator.

**What if my request for a reasonable accommodation is denied?**

If a request for reasonable accommodation is denied, you may accept the agency's decision and end the process or file an appeal with your agency head or his or her designee. If your appeal is denied you may file a discrimination complaint with your agency's EEO Office.



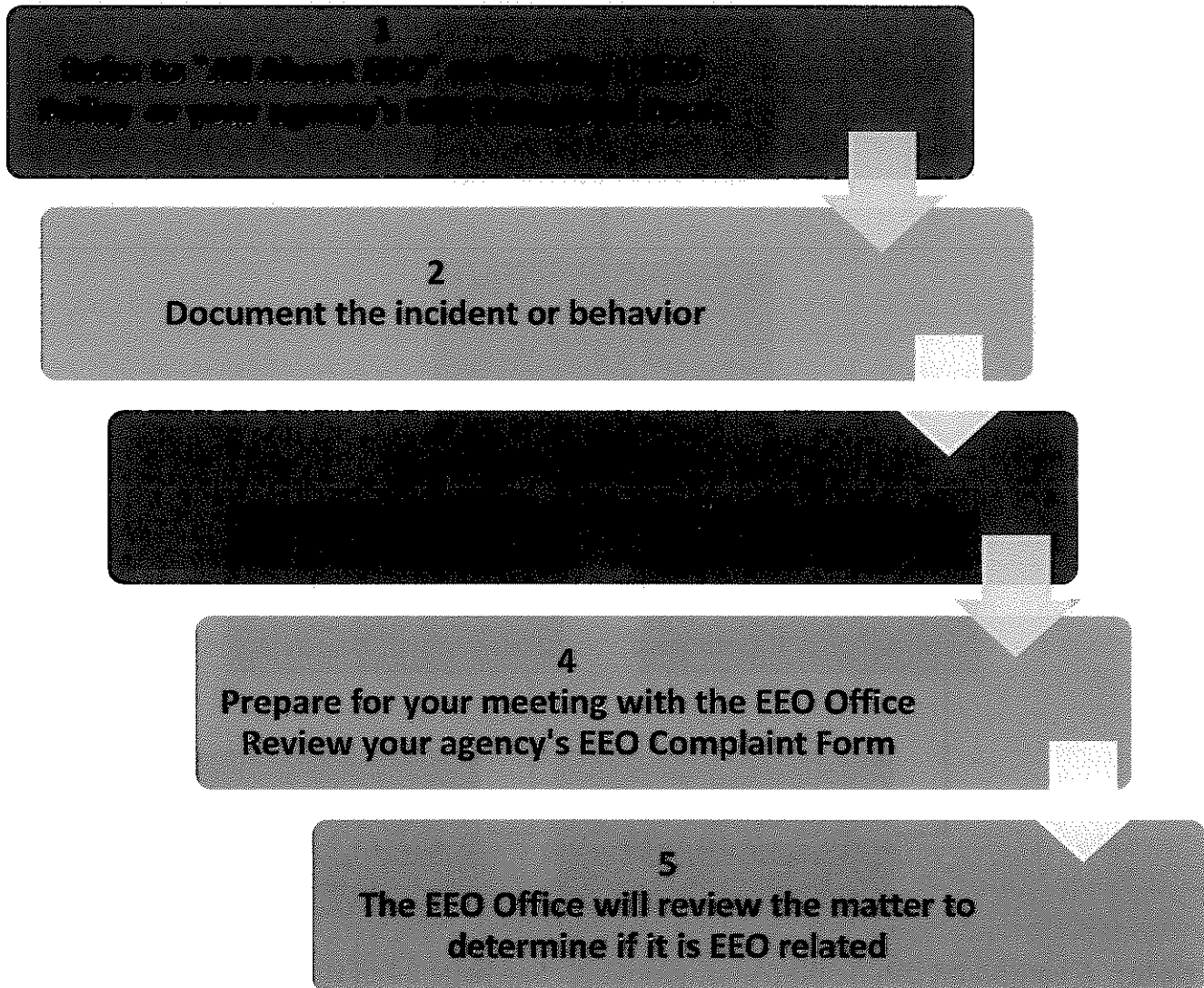


## NYC Employees' EEO Complaint Procedure

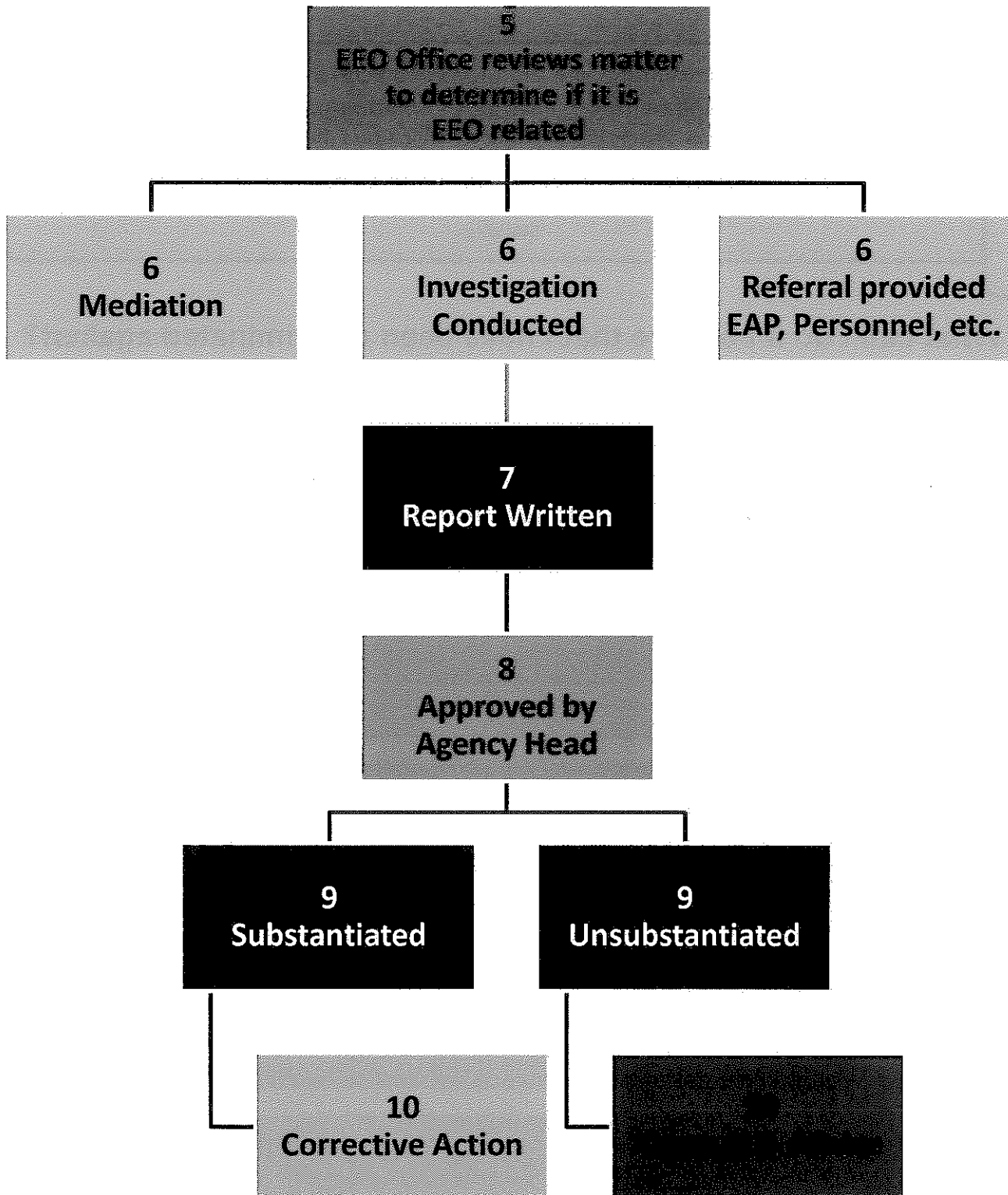


New York City employees are protected from discrimination based on any of the following categories whether perceived or actual:  
Age (18 and over), Alienage or Citizenship Status, Race, Color, Creed\Religion, Disability, Gender (or Sex) including Gender Identity, Marital Status, Military Status, National Origin, Partnership Status, Predisposing Genetic Characteristics/Genetic Information, Prior Record of Arrest or Conviction, Sexual Orientation, Unemployment Status, Victim of Domestic Violence, or Victim of Sex Offenses or Stalking

### What can I do if I believe that I have been discriminated against?



## What happens once I go to my EEO Office?



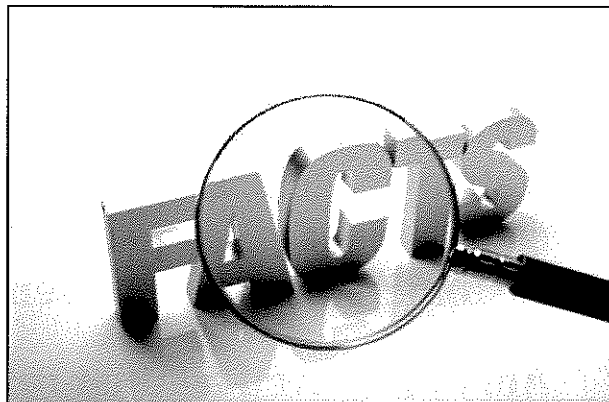
**Note:** A complaint can be filed anonymously. See page 24 of this booklet for information about the handling of anonymous complaints.

# The EEO Complaint Process

## Who is protected from discrimination under the City's EEO Policy?

All City of New York employees, including agency heads, executive staff, managers, supervisors, and non-supervisory employees, including

Work Experience Program ("WEP") participants and interns have a right to a workplace that is free of discrimination, including harassment, based on race, color, national origin, religion, gender, disability, or age, and any basis that could otherwise be determined to be prohibited behavior under the EEO Policy.



## What can I do if I believe that I have been discriminated against?

- Refer to the City's EEO Policy
- Document the incident or behavior (keep notes with dates, names, locations, etc.)
- Notify an EEO representative at your agency as soon as possible
- You may file an internal complaint with your agency's EEO office or an external complaint with any of the federal, state and local agencies that enforce laws against discrimination. (See list of agencies on pages 29-31.)

## What can I do if I witness discrimination or harassment?

You are urged to contact your agency's EEO officer or any other EEO representative within your agency if you believe that any type of discrimination is occurring at a City agency.

### **Who can I complain about?**

The City's EEO Policy applies to **anyone** who you encounter in the workplace. Complaints can be filed against any employee who harasses or discriminates against you: agency heads, executive staff, managers, supervisors, or co-workers. You can also file EEO complaints against people outside of your agency, such as clients, customers, consultants, vendors, or members of the public.

### **Am I protected against retaliation if I file a complaint, act as a witness, or request an accommodation?**

It is a violation of the City's EEO Policy to retaliate against or harass any person for filing an EEO complaint, participating in an EEO investigation or proceeding, or opposing discrimination in the workplace. You also may not be retaliated against for seeking a reasonable accommodation. You should report any retaliatory behavior to an agency EEO representative, and may also file a separate complaint on this basis. **Examples of retaliation include:** threats, demotion, transfer, termination, etc.

### **Can I file a complaint without giving my name?**

Yes, but if you do not reveal your identity, it may be difficult to investigate your complaint. If you request that your identity be concealed, your agency EEO representative will attempt not to reveal it. You should know, however, that sometimes, during the course of an investigation, your identity may become obvious to the person that you are complaining about.

### **How can I file a complaint?**

You can meet personally with an agency EEO representative. You can also file a complaint by calling, emailing, or writing the agency EEO office.

### **How long do I have to file a complaint with my agency EEO office?**

Discrimination complaints filed with your agency EEO office must be made within **one year** of the incident that you are complaining about. If you are considering filing a complaint with an outside agency, be aware that shorter time periods may apply. (See page 31).

### **What if I need help to file my complaint?**

Let an agency EEO representative know if you need assistance such as a physically accessible location, a sign language interpreter or special equipment in order to make a complaint or participate in the complaint process. In the event that you are unable to fill out a complaint form, an agency EEO representative will help you complete it.

### **Can I meet with my agency EEO representative during office hours?**

You can meet with an agency EEO representative during office hours, but, first, you should get permission to leave your work area. Your supervisor must approve such requests as long as your absence does not disrupt the operation of your unit. You are not required to tell your supervisor the reason that you want to meet with an agency EEO representative. If you prefer, an agency EEO representative can arrange to meet with you before or after office hours, during your lunch period, or at outside premises without your supervisor's knowledge or permission.

### **Can someone come with me to the EEO meeting?**

You may bring someone with you to the EEO meeting. This includes a co-worker, friend, spouse, other relative or family member, union representative, lawyer, or anyone else as long as you let the agency EEO representative know in advance.

### **What happens at the EEO meeting?**

An agency EEO representative will interview you to determine the basis of your complaint or concern. The agency EEO representative will discuss with you the available options for handling the matter. These options include actions you could take on your own or referrals to other offices and/or agencies which may be of assistance.

You should come to the meeting prepared to discuss the particulars of your complaint and to provide the EEO investigator with as much information as possible about the incident or actions that are the cause of your complaint such as: the dates, locations and details of the place that the incident occurred, the names of the person(s) who harassed or discriminated against you and any witnesses to the incident or actions.

### **What if my concern is not an EEO matter?**

Your agency's EEO Office will discuss and research options including actions that you may be able to take on your own behalf or referrals to other offices or agencies, depending on the specifics of the matter.

### **What is mediation?**

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint can be resolved. It is a choice that could quickly resolve your complaint without a full investigation.

### **What happens during an EEO investigation?**

During an investigation, the agency EEO representative will gather information to determine what happened. This process includes

reviewing the complaint, interviewing everyone involved (including any witnesses or anyone who might provide information), and reviewing documents or other available evidence. Evidence includes any notes, records, photos or other information that you or other witnesses present.

### **What happens after an EEO investigation?**

The agency EEO officer will report the outcome of the investigation to your agency head, who will determine whether to approve and adopt the findings of the EEO Officer. In some cases, information contained in an EEO complaint may be shared with the agency's disciplinary officer, general counsel or inspector general. If a violation of the City's EEO Policy has occurred, appropriate corrective action will be taken. Corrective action may include disciplinary measures such as formal reprimand, suspension, demotion, fine or termination. It may also include measures necessary to address the impact that the policy violation had on the complainant or the agency. The agency EEO officer will advise all parties of the agency head's determination.

### **Will my privacy be protected?**

All complaints, investigations, requests for accommodations and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion or based on status as a victim of domestic violence, a sex offense or stalking, and pregnancy, childbirth or related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

**What if I change my mind after I file a complaint and want to withdraw it?**

If you change your mind after you file a complaint, your agency EEO officer may still have to find out whether the discriminatory conduct that you complained about requires further action. If so, the agency EEO officer will continue to address the complaint and take appropriate action.

**What if I am named as a Respondent in an EEO complaint?**

If someone names you in a complaint as violating the EEO Policy, you must cooperate with the investigation. You are allowed to bring a representative with you, and you will be given the opportunity to respond to the complaint in writing.

**What if someone files a false complaint?**

If an employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint filed with an agency's EEO Office, such conduct may be grounds for disciplinary action.



## **What if I decide to file a complaint outside of my agency?**



You have the right to file a complaint with any of the below listed federal, state and local agencies that enforce laws against discrimination. If you have also filed an internal complaint with your agency's EEO Office based on related or the same facts and circumstances, your agency EEO Officer will close out the internal complaint, and your agency's General Counsel will then represent your agency in responding to the external complaint.

### **New York City Commission on Human Rights**

100 Gold Street, Suite 4600

New York, NY 10038

(212)-306-7560 (voice)

Web site: [www.nyc.gov/html/cchr/home.html](http://www.nyc.gov/html/cchr/home.html)

### **New York State Division of Human Rights**

One Fordham Plaza, 4th Floor

Bronx, NY 10458

(718)-741-8400

or

163 West 125th Street, 4th Floor

New York, NY 10027

(212)-961-8650 (voice); (212) -961-8999 (TTY)

or

55 Hanson Place, 3rd Floor  
Brooklyn, NY 11217  
(718) -722-2856  
Web site: [www.dhr.ny.gov](http://www.dhr.ny.gov)

**United States Equal Employment  
Opportunity Commission**

New York District Office  
33 Whitehall Street, 5th Floor  
New York, NY 10004  
(212)-336-3620 (voice); (212)-336-3622 (TTY)  
Web site: [www.eeoc.gov](http://www.eeoc.gov)

In addition to filing with the agencies listed above, a person with a complaint alleging discrimination based on disability may file with:

**United States Department of Justice**

Civil Rights Division  
Disability Rights Section  
New York Avenue Building  
950 Pennsylvania Avenue N.W.  
Washington, D.C. 20530  
(202)-307-0663 (voice and TDD)  
Web site: [www.justice.gov/crt/index.php](http://www.justice.gov/crt/index.php)

A person with a complaint alleging discrimination based on citizenship or immigration status may file with:

**United States Department of Justice**

Civil Rights Division  
Office of Special Counsel for Immigration-Related Unfair  
Employment Practices

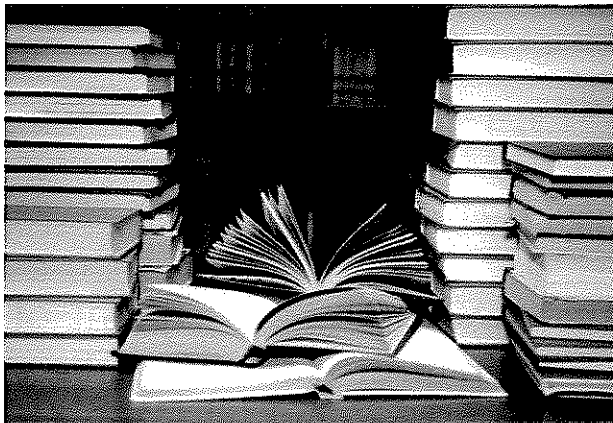
Office of Special Counsel  
New York Avenue Building  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
Voice: (202)-616-5594; (202)-616-5525; 1-800-255-7688  
TDD: (202)-616-5525; 1-800-237-2515  
Web site: [www.justice.gov/crt/about/osc/](http://www.justice.gov/crt/about/osc/)

A person who has been discriminated against by a recipient of financial assistance from the U.S. Department of Labor may file a complaint, either with the recipient or with the Civil Rights Center (CRC). Those who wish to file complaints with CRC should mail their complaints to:

**United States Department of Labor**  
Director, Civil Rights Center  
Frances Perkins Building, Room N-4123  
200 Constitution Avenue, NW  
Washington, DC 20210  
(202)-693-6502 (voice); (202)-693-6515/16 (TTY)  
Web site: [www.dol.gov/oasam/programs/crc/](http://www.dol.gov/oasam/programs/crc/)

**Please Note:** There are statutory deadlines for filing complaints with each of these agencies. The deadline in some instances is as short as 180 days. If you wish to file a complaint with an external administrative agency, you should contact the external agencies promptly.

# How can I find out more about EEO?



If you want to find out more, contact your agency's **EEO officer** or other EEO representative or visit your agency's intranet site. You may also download the City's EEO Policy from the **DCAS website**:

**<http://www.nyc.gov/html/dcas/html/about/eo.shtml>**

For the City's EEO Complaint Procedure:

**[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaintprocedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaintprocedures.pdf)**

For the City's Reasonable Accommodation Procedure:

**[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_reasonableaccommodation.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf)**



EQUAL  
EMPLOYMENT  
OPPORTUNITY  
POLICY

STANDARDS AND PROCEDURES  
TO BE UTILIZED BY CITY AGENCIES

CITY OF NEW YORK

2014

# **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**STANDARDS AND PROCEDURES  
TO BE UTILIZED BY CITY AGENCIES**

**CITY OF NEW YORK**

**BILL DE BLASIO  
Mayor**

**STACEY CUMBERBATCH  
Commissioner  
Department of Citywide Administrative Services**

**2014**

**NEW YORK CITY  
EQUAL EMPLOYMENT OPPORTUNITY POLICY**

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# NEW YORK CITY EQUAL EMPLOYMENT OPPORTUNITY POLICY (2014)

## Introduction

The New York City Charter provides that each agency head must ensure that his or her agency does not discriminate against employees or applicants for employment in any manner prohibited by federal, state, and local law.<sup>1</sup> In addition, the Charter requires agency heads to establish measures, programs, and annual EEO Plans that communicate each agency's efforts to provide equal employment opportunity ("EEO") to City employees and applicants for employment within City government.<sup>2</sup> The Department of Citywide Administrative Services ("DCAS") is required to establish uniform procedures and standards to assist City agencies in establishing annual EEO Plans, and other measures and programs to ensure equal employment opportunity.<sup>3</sup> DCAS developed this Policy,<sup>4</sup> and the standards and procedures contained herein, to implement DCAS' and the City's obligations under the City Charter; federal, state, and local laws; and the City's diversity and inclusion strategy.

The *Equal Employment Opportunity Policy (2014)*, hereafter known as "Policy," supersedes the previous *Equal Employment Opportunity Policy (2005)* of the City of New York. Detailed uniform complaint and reasonable accommodation procedures are published separately. This Policy, any addenda to this Policy, and the EEO Policy Handbook are to be distributed to each agency head, EEO Officer,<sup>5</sup> General Counsel, Agency Personnel Officer (APO), manager, and supervisor.

In addition to the Policy, DCAS updated the EEO Policy Handbook, "*About EEO: What You May Not Know.*"<sup>6</sup> The EEO Policy Handbook was created to provide City government employees with a user-friendly summary of the relevant laws and the Policy.

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<sup>1</sup> See Charter Section 815(h).

<sup>2</sup> See Charter Section 815(a)(19).

<sup>3</sup> See Charter Section 814(a)(12).

<sup>4</sup> This Policy was drafted in consultation with the Equal Employment Practices Commission, the New York City Law Department and EEO Officers from various City agencies.

<sup>5</sup> Each agency head appoints an EEO Officer to assist with the implementation of the Policy, standards, and procedures. The agency EEO Officer and other personnel, including EEO counselors, investigators, liaisons, etc., are referred to in this Policy as 'EEO office or EEO representatives.'

<sup>6</sup> The Policy may be downloaded at <http://www.nyc.gov/html/dcas/html/about/eeopol>. The EEO Policy Handbook, "*About EEO: What You May Not Know,*" may be downloaded at [http://www.nyc.gov/html/dcas/html/about/eo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/about/eo_booklet.shtml).

## I. Equal Employment Opportunity Policy

The City of New York is an equal opportunity employer and prohibits discriminatory employment actions against, and treatment of, City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including “gender identity” -- which refers to a person’s actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction,<sup>7</sup> marital status, partnership status,<sup>8</sup> genetic information or predisposing genetic characteristic,<sup>9</sup> sexual orientation, status as a victim or witness of domestic violence, sex offenses or stalking,<sup>10</sup> and unemployment status.<sup>11</sup>

### A. Types of Prohibited Conduct<sup>12</sup>

Decisions and practices based on an individual’s protected status (e.g., race, religion, age, and the other categories listed above) that unlawfully affect employment or the compensation, terms, conditions, or privileges of an individual’s employment or potential employment with the City of New York are prohibited by this Policy. This includes unlawful decisions, actions, and practices that occur in the course of recruitment, testing, hiring, work assignments, salary and benefits, working conditions, performance evaluations, promotions, training opportunities, career development and advancement, transfers, discipline, discharge, or any other application or selection process relating to employment.

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<sup>7</sup> Some employment actions motivated by the reasons listed are permitted by law, such as where an employer may deny employment on the basis of an applicant’s prior record of conviction, if there is a direct relationship between one or more of the applicant’s criminal offenses and the specific employment sought, or where employing the applicant poses an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. (*See* Correction Law, Art. 23-A, Section 752.)

<sup>8</sup> “Partnership status” was added as a protected class under New York City’s Human Rights Law on October 3, 2005.

<sup>9</sup> The term “predisposing genetic characteristic” was adopted on August 30, 2005 to streamline the terms “genetic predisposition” and “carrier status” in the previous version of the New York State Human Rights Law.

<sup>10</sup> “Status as victim of sex offenses or stalking” was added as a protected class under the City Human Rights Law on December 22, 2003.

<sup>11</sup> “Unemployment status” was added as a protected class under New York City’s Human Rights Law on June 11, 2013.

<sup>12</sup> See also, EEO Policy Handbook: *About EEO: What you May Not Know*, for more examples of prohibited conduct.

The Policy also prohibits sexual harassment (i.e., conduct or language of a sexual nature) and harassment based on gender or any other protected characteristic (such as race, religion, disability, or sexual orientation). Forms of harassment may include, but are not limited to, the use of vulgar language, abusive acts or language, hostility, physical aggression, intimidation, or unequal treatment.

The Policy prohibits conduct which unreasonably interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment, or creates an abusive working environment based on any protected characteristic.

Harassment and/or retaliation against a person who opposes or complains about prohibited conduct or participates in any way in the complaint, investigation, or reasonable accommodation processes are strictly prohibited.

The Policy also prohibits the denial of reasonable accommodations for disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking that do not create an undue hardship.

Some offensive acts or remarks may violate this Policy even if they are not so severe that they violate federal, state, or local discrimination laws. The City and its agencies may discipline conduct that violates this Policy even if the conduct does not violate a law prohibiting discrimination.

The Policy also prohibits any City employee from aiding, abetting, inciting, compelling, or coercing any person present in a City facility, whether or not that person is an employee of the City, from engaging in any conduct prohibited by this Policy, including, but not limited to, conduct that creates a hostile work environment based on any protected characteristic.

## B. Applicability

Everyone who works within New York City government or its workplaces, or who seeks employment within City government, is covered by federal, state, and local employment laws, and this Policy. This includes all current employees, managers (including executives and senior level staff members), supervisors, co-workers, paid and unpaid interns,<sup>13</sup> and job applicants.

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<sup>13</sup> The prohibition of discrimination against interns was added in the New York City's Human Rights Law on April 15, 2014.

This Policy not only protects individuals from prohibited conduct because of their own protected status (such as their own actual or perceived race, religion, national origin, or disability), but also protects individuals from conduct motivated by the actual or perceived race, religion, national origin, or disability, etc., of other persons with whom they are associated. For example, this Policy applies to individuals who are subjected to adverse actions because of their marriage to, or domestic partnership or association with, persons of a particular racial, religious, or national origin group, or persons who have a disability. Moreover, discrimination based on an individual's name(s) or spouse's or domestic partner's name(s) that is associated with a particular racial, religious, or national origin group is prohibited.

These protections apply to actions, whether or not intentionally offensive or directed at a particular person or group, which violate this Policy.

This Policy extends to conduct which occurs at any location that could be reasonably regarded as an extension of the workplace, such as any field location, off-site business-related social function, City vehicle, or facility where City government business is being conducted and discussed.

In addition, Work Experience Program ("WEP") participants have a right to a workplace that is free of discrimination, including harassment based on race, color, national origin, religion, gender, disability, or age, and any basis that could otherwise be determined to be prohibited behavior pursuant to the Policy as applied to employees or applicants for employment.

All City employees, interns, and WEP participants are expected to be respectful of everyone in the City's workplaces and members of the public, and to be sensitive to the effects of their behavior on those around them. All employees, interns, and WEP participants must be trained in the requirements of this Policy and must receive a copy of the EEO Policy Handbook, "*About EEO: What You May Not Know.*"

## **II. Specific Protections**

The following sections are provided to enable individuals to understand the unique definitions, issues, rights, and responsibilities under this Policy pertaining to sexual harassment and discrimination based on disability, religion, retaliation, and status as a victim of domestic violence, sex offenses, or stalking.

## A. Sexual Harassment

Sexual harassment is a form of employment discrimination which is prohibited by law. The federal government created guidelines which define sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when: 1) submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.”<sup>14</sup>

Sexual harassment may involve individuals of the same or different gender(s). A broad range of behavior may be considered sexual harassment, including sexually suggestive remarks, pictures or gestures, verbal abuse or harassment of a sexual nature, subtle or direct propositions for sexual favors, and any unnecessary touching, patting, or pinching.

## B. Disabilities

Discrimination against a person based on that person's actual or perceived disability, record of disability, or relationship with a person with a disability will not be tolerated by the City of New York. For the purpose of this Policy, a disability is: 1) a physical, medical, mental, or psychological impairment; 2) a history or record of such impairment; or 3) being regarded as having such impairment.

The City of New York and its agencies will take appropriate action to provide reasonable accommodations to qualified employees and job applicants with disabilities, unless providing such accommodations creates an undue hardship. Reasonable accommodations include the provision of equipment, changes in workplace policies and practices, and other forms of assistance that allow people with disabilities to apply for a position, perform their jobs, or enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.

Whether an accommodation is reasonable will depend upon the circumstances of the particular request. Some examples of accommodations that may be reasonable include: making facilities physically accessible to, and usable by, persons with disabilities; job restructuring; modifying work schedules; providing or modifying equipment or devices; providing qualified readers, interpreters, auxiliary aids, and/or other support services; and providing leave and/or arranging for transfer or reassignment to a vacant position, if such transfer or reassignment does not violate

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<sup>14</sup> Code of Federal Regulations, Title 29, Section 1604.11.

the Civil Service Law, Personnel Rules and Regulations, other applicable laws, or regulations and/or collective bargaining agreements.

Undue hardship may exist when an accommodation is significantly difficult, unduly costly, extensive, substantial, disruptive, or would change the nature or operation of an agency's business.

The City of New York encourages employment of and promotional opportunities for qualified persons with disabilities. For example, pursuant to Section 55-a of the New York State Civil Service Law, where agency needs and availability permit, the City encourages agencies to utilize the 55-a Program, which will allow City agencies to employ qualified persons who have been certified as disabled in competitive positions on a non-competitive basis. Individuals who wish to apply for the 55-a Program are encouraged to seek assistance from the Agency Personnel Officer or 55-a Coordinator.

#### C. Religion

The Policy prohibits adverse employment actions based on a person's religion. This includes discriminatory practices and decisions, harassment, hostility, or other adverse actions because of a person's actual or perceived creed, religious affiliation, religious beliefs, observances, or practices.

In addition, depending on the circumstances, agencies must try to reasonably accommodate the religious observances, beliefs, or practices of an employee or job applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect his or her religious observances, beliefs, or practices. City agencies may be required to provide accommodations for religion such as flexible arrival and departure times, and/or leave; voluntary exchanges of shifts or assignments; time and/or place to pray; accommodations relating to appearance and dress; and modifying workplace practices, policies, and/or procedures.

City agencies are not required to provide accommodations that are too costly or difficult to provide, that would be disruptive, or would interfere with job performance.

#### D. Retaliation

It is a violation of the Policy to retaliate against or harass any person who asserts his or her rights regarding employment discrimination by: 1) opposing discriminatory practices in the workplace; 2) complaining about prohibited conduct;

or 3) participating in any way in the complaint, investigation, or reasonable accommodation processes. It is also a violation of this Policy to retaliate against or harass someone because of his or her association with such an individual.

Behaviors which may be considered retaliatory include, but are not limited to: threats, reprimands, negative evaluations, harassment, refusal to hire, denial of promotion or job benefits, demotion, suspension, discharge, negative references to prospective employers, or other actions affecting the terms, conditions, or privileges of employment.

Examples of behavior that are protected against retaliation under this Policy include, but are not limited to: expressing an intent to file a charge or complaint alleging prohibited conduct; participating as a witness in an EEO investigation, administrative proceeding, hearing, or trial; and/or seeking a reasonable accommodation.

#### E. Domestic Violence, Sex Offenses, or Stalking

The New York City Human Rights Law prohibits employment discrimination against persons who are victims of domestic violence, or victims of sex offenses or stalking, as defined by that law and the New York State Penal Law. Agencies shall provide reasonable accommodations that do not create undue hardship and that enable such persons to satisfy the essential requisites of a job, provided that the status as a victim of domestic violence or victim of sex offenses or stalking is known, or should have been known, by the agency.

### III. Procedures

#### A. Reporting Violations

Anyone who believes that he or she has been subjected to any action, decision, or harassment in violation of this Policy, or who witnesses others being subjected to improper conduct, is urged to promptly report the incident(s) to his or her supervisor or manager; to agency personnel supervising the application, testing, and interviewing process; or directly to the EEO office at the agency where the violation actually occurred, or which is the employer of the individual who purportedly committed the complained of act(s). Supervisors, managers, or human resources personnel who receive EEO complaints, or otherwise become aware of any improper discrimination, must notify the agency EEO Officer. Supervisors and managers should also encourage individuals who believe that the Policy has been violated to consult with the EEO office.

An individual who believes that this Policy has been violated may report the incident orally or in writing. Where the report is taken orally, the manager, supervisor, or EEO representative shall document the report. The EEO office will assist any individual in determining whether the conduct or decision reported is appropriate for the complaint process. Where an individual chooses to file an internal complaint with the agency EEO office, that complaint must be filed within one year of the event which is the subject of the complaint.

Persons who wish to discuss a possible violation of this Policy without revealing their identity may do so by telephoning or writing the EEO office. In such cases, the EEO office will provide counseling and take such follow-up action as may be appropriate and possible, given the restraints of anonymity.

If any employee knowingly makes a false accusation of discrimination or knowingly provides false information in the course of an investigation of a complaint, such conduct may be grounds for discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

#### B. Contact with the EEO Office

An employee has a right to meet privately with an EEO representative. Such a meeting may take place either during or outside of office hours. If an employee makes a request to meet with an EEO representative during office hours, the employee should obtain approval from a manager or supervisor in order to leave his or her work assignment. An employee need not disclose the purpose for or details of the meeting with an EEO representative. Reasonable leave requests to meet with an EEO representative during work hours cannot be denied by managers or supervisors. Managers and supervisors shall allow employees to meet with EEO representatives at the earliest practicable time consistent with the operational needs of their units. Where an agency has more than one EEO representative, an employee is not required to meet with an EEO representative who works in the employee's division.

At the employee's request, arrangements may also be made to hold the meeting before or after office hours, or during the employee's lunch period. Should such a meeting take place entirely on the employee's own time, he or she need not advise a manager or supervisor of the meeting, or obtain the consent or approval of a manager or supervisor. The EEO representative will arrange to meet with an employee at outside premises where appropriate and/or necessary in order to ensure confidentiality. If necessary, EEO representatives will make arrangements for sign language interpreters and other forms of effective communication with persons with disabilities.



The EEO representative will discuss and research appropriate options, including actions an individual could take on his or her own behalf, referrals to other offices and/or agencies, mediation, investigation, and/or interim relief. The EEO representative may also facilitate any further discussions with other agency personnel.

In appropriate cases, an EEO investigation may be conducted in conjunction with or by an agency's General Counsel's office, Inspector General, or disciplinary officer. In addition, there may be exceptional circumstances under which an investigation may be conducted by another individual or entity, as deemed appropriate by the Law Department or DCAS.

Any person who is interviewed during the course of an EEO investigation has a right to be accompanied by a representative of his or her choice. This includes individuals who make complaints, persons against whom complaints were made, or witnesses. It is preferable that the EEO office receive advance notice that the person who is being interviewed will be bringing a representative.

Any person who is the subject of the complaint will have an opportunity to respond in writing.

All employees are expected to cooperate with EEO investigations. Failure to cooperate in an investigation may result in disciplinary action.

#### C. Withdrawing Complaints

A complaint of discrimination may be withdrawn at any time by the person who filed the complaint. Withdrawal of a complaint must be made or confirmed in writing. In some instances, the agency EEO Officer will find it appropriate to end the investigation when the complaint is withdrawn. Prior to ending the investigation, the EEO Officer must determine whether the agency should take corrective action to address inappropriate conduct. If the EEO Officer determines that corrective action is required, it may be necessary for the EEO Officer to continue the investigation or recommend action to remedy inappropriate behavior.

#### D. Mediation

Mediation is a voluntary, informal, and confidential process that provides an opportunity for everyone involved in a complaint to come to a mutual agreement about how the complaint should be resolved. It is an alternative that may quickly resolve complaints without a full investigation.

All requests for mediation should be made to the EEO Officer. Mediation may be requested by any party involved and may be declined by any party.

The EEO Officer will determine whether the complaint is appropriate for mediation. The EEO Officer may choose to conduct the mediation internally within the agency, or externally through entities that provide mediation services.

Mediation may be terminated by any party to the mediation. If this occurs, the EEO Officer will inform the other party or parties in writing that the mediation has been terminated. In the event that mediation does not result in a resolution, the EEO Officer will provide the parties with a written statement informing the parties of the complainant's right to an investigation of the allegation. Where efforts to mediate complaints are unsuccessful, complaints will be investigated by the EEO office.

#### E. Concluding the Complaint Investigation

The EEO Officer will submit a confidential report of the complaint investigation to the agency head at the conclusion of the investigation. If the EEO Officer concludes that a violation of this Policy has occurred, the EEO Officer will recommend appropriate corrective action. The agency head will review the EEO Officer's report and promptly issue a determination adopting, rejecting or modifying the recommended action. Such determination shall be in writing and may be issued electronically. The EEO Officer will advise all parties in writing of the outcome of a complaint.

Any person found to have engaged in conduct or practices in violation of this Policy may be subject to discipline which may include a reprimand, suspension, probation, demotion, transfer, termination, or any other measures permitted by law and/or collective bargaining agreements. In addition to implementing such disciplinary action, agencies may take such steps as may be necessary to address the impact that any violation of this Policy has had on the complainant or within the agency.

#### F. Other Places Where Complaints May Be Filed

The following federal, state, and local agencies enforce laws against discrimination:

- New York City Commission on Human Rights: <http://www.nyc.gov/html/cchr/html/home/home.shtml>
- New York State Division of Human Rights: <http://www.dhr.ny.gov/>

- United States Equal Employment Opportunity Commission (the “EEOC”): <http://www.eeoc.gov>
- United States Department of Justice: <http://www.justice.gov/>

Information about how to contact these agencies can be found in the EEO Policy Handbook, “*About EEO: What You May Not Know*,” at [http://www.nyc.gov/html/dcas/html/about/eo\\_booklet.shtml](http://www.nyc.gov/html/dcas/html/about/eo_booklet.shtml), the DCAS website at <http://www.nyc.gov/html/dcas/html/about/eo.shtml>, or the Office of Citywide Diversity and EEO at 1 Centre Street, 17<sup>th</sup> Floor North, New York, NY 10007, (212) 386-0257. Please note that there are statutory deadlines for filing complaints with each of these agencies.<sup>15</sup>

When a person exercises his or her right to file a complaint with a federal, state, or local administrative agency (known as an “external complaint”) based on or related to the same facts and circumstances of an internal complaint, the agency EEO Officer will transfer the matter to the agency General Counsel, who will be responsible for any further handling of the matter. The EEO Officer will notify the complainant and the parties who are the subject of the complaint, in writing, that the investigation by the EEO Officer has been transferred because of the filing of the external complaint. The agency General Counsel will be responsible for handling external complaints regardless of the timing of such complaints (whether filed before the internal complaint is filed, at the same time that the internal claim was filed, or after the internal complaint was filed). After transfer of the complaint to the agency General Counsel, the EEO Officer will cooperate with the General Counsel with respect to the ultimate resolution of the complaint.

#### G. Requests for Reasonable Accommodations

City agencies may be required to provide reasonable accommodations when requests are made in connection with disabilities; pregnancy, childbirth, and related medical conditions; religious beliefs, observances, and practices; or for victims of domestic violence, sex offenses, or stalking. The reasonable accommodation process should be flexible and interactive, involving agency representatives who are necessary to the reasonable accommodation process and the individual who is requesting a reasonable accommodation. In all instances, the agency EEO office should be notified of the request in order to facilitate discussions, research appropriate accommodations, and assist in the resolution of the matter.

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<sup>15</sup> The deadline in some instances is as short as 180 days. Therefore, to preserve their rights, individuals who believe that they have been discriminated against and wish to file a complaint with an external agency should promptly contact the City Commission on Human Rights, the State Division of Human Rights, the EEOC, the Department of Justice, or a private attorney for further guidance.

EEO representatives, agency personnel supervising any phase of the application process, and/or managers and supervisors involved in the process shall notify individuals who request reasonable accommodations whether the request has been granted. Where the specific accommodation requested is impracticable, agency representatives will seek to implement an appropriate alternative reasonable accommodation. The following procedures detail the specific aspects of each type of request.

1) Disabilities: An employee or job applicant with a disability who requests reasonable accommodations to enable him or her to satisfy the essential functions of the job or enjoy the rights in question may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer or Disabilities Rights Coordinator.<sup>16</sup> A request for a reasonable accommodation may be made orally or in writing. Where the request is made orally, it shall be documented by that person who receives the request.

EEO Officers and/or Disabilities Rights Coordinators, agency personnel supervising the application process, and managers and supervisors involved in the process shall provide reasonable assistance (such as help in completing forms) to an individual requesting an accommodation. Additionally, if a reasonable accommodation is requested to facilitate an individual's ability to apply for employment, the agency staff supervising the application procedures may be required to assist the applicant in completing the application process.

By law, all documentation and information concerning the medical condition or history of an individual requesting a reasonable accommodation for a disability must be collected and maintained on separate forms, and in separate medical files, apart from other personnel data. Such information must be treated as confidential medical records, except that managers and supervisors may be informed of necessary restrictions on work and accommodations required. Furthermore, medical information may be provided: 1) to first-aid and safety personnel, if the disability might require emergency treatment; 2) to government officials investigating the agency's compliance with applicable laws; 3) to workers' compensation offices in accordance with Workers' Compensation Law; and 4) for insurance purposes.

2) Religious Accommodations: An employee or applicant requesting reasonable accommodations for religion may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer. Requests for religious accommodation should be documented by the individual receiving the request.

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<sup>16</sup> A Disability Rights Coordinator is responsible for ensuring compliance with federal, state, and local laws and the Policy regarding people with disabilities.

3) Victim of Domestic Violence, Sex Offenses, or Stalking: An employee or applicant requesting reasonable accommodations for domestic violence, sex offenses or stalking may make such requests to his or her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer.

Agencies may require a person requesting a reasonable accommodation to provide certification that the person is a victim of domestic violence, sex offenses, or stalking. The person requesting the reasonable accommodation shall provide a copy of such certification to the agency within a reasonable period after the request is made. A person may satisfy the certification requirement by providing documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the individual seeking a reasonable accommodation, or that individual's family or household member, has sought assistance in addressing domestic violence, sex offenses, or stalking and the effects of the violence or stalking; a police or court record; or other information consistent with the disclosure and the request for accommodation.

4) Pregnancy:<sup>17</sup> An employee or job applicant requesting reasonable accommodations due to pregnancy and those who suffer medical conditions related to pregnancy, childbirth, or a related medical condition may make such requests to her manager or supervisor, agency personnel supervising the application process, or directly to the agency EEO Officer or Disability Rights Coordinator. Such a reasonable accommodation may include bathroom breaks; leave for a period of disability arising from pregnancy, childbirth, or related medical conditions; breaks to facilitate increased water intake; periodic rest for those who stand for long periods of time; and assistance with manual labor, among other things.

All information, including a statement of the person requesting a reasonable accommodation or any other documentation, record, and the fact that the individual has requested or obtained a reasonable accommodation, shall be retained in the strictest confidence by City agencies, except to the extent that disclosure is requested or consented to in writing by the person requesting the reasonable accommodation, or is otherwise required by applicable federal, state, or local law.

Where an employee or job applicant has requested a reasonable accommodation consistent with these procedures and the agency representative has not provided the reasonable accommodation, an appeal may be made to the agency head. Within 10 business days of receipt of an appeal, the agency head, or his or her designee, shall:

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<sup>17</sup> The City's Human Rights Law was amended to include reasonable accommodations related to pregnancy, childbirth or related medical conditions effective January 30, 2014.

1. obtain the request for reasonable accommodation made by the employee or applicant and review all related documentation, standards, procedures, and potential accommodations;
2. meet and/or consult with the employee or applicant, the EEO Officer, and any agency representative that the agency head deems necessary to the reasonable accommodation request;
3. evaluate the reasonableness of employee's or applicant's and agency representative's preferences regarding the accommodation request, giving primary consideration to the employee's or applicant's preferences; and
4. consult with the DCAS Office of Citywide Diversity and EEO or the Law Department.

Within 15 business days of receipt of the appeal, the agency head or his\her designee, shall issue a written determination on the request for reasonable accommodation, specifying what accommodation shall be provided, if any, and, where necessary, directing the appropriate agency representative to implement such accommodation promptly. The EEO Officer or Disability Rights Coordinator shall monitor implementation of the reasonable accommodation.

#### G. Confidentiality

All complaints, investigations, requests for accommodations, and records will be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. EEO matters may be discussed with other persons who may have information about a complaint or who are necessary to implement reasonable accommodations for disability, religion, status as victims of domestic violence, sex offenses or stalking, and pregnancy, childbirth, or a related medical condition. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter.

#### H. Documentation

All inquiries, complaints, requests, mediation efforts, investigations, requests for accommodation, and their outcomes will be documented by the EEO office.

## J. Additional Sources of Procedural Information

The Guidelines for the Implementation of the City's Discrimination Complaint Procedures may be found online:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_discriminationcomplaint\\_procedures.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_discriminationcomplaint_procedures.pdf)

The City's Reasonable Accommodation Policy and Procedure may be found online:

[http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo\\_reasonableaccommodation.pdf](http://www.nyc.gov/html/dcas/downloads/pdf/misc/eo_reasonableaccommodation.pdf)

## IV. Agency-Specific Diversity and EEO Plans

Agency heads are required by the New York City Charter to annually prepare, adopt, and implement a plan to provide equal employment opportunity. The plan must be prepared based on uniform procedures and standards provided by DCAS. DCAS will work with agency heads to help them develop realistic and achievable objectives.

Each agency head or, at his or her direction, the agency EEO Officer and/or APO, should review agency statistical information (including total employment and new hires and promotions, by race/ethnicity, and gender), EEO complaints made during the previous fiscal year and the agency's employment practices, policies, and programs. The agency head should then work with the EEO Officer, General Counsel and APO to identify: 1) whether there are any barriers to equal opportunity within the agency; 2) the agency's obligations as a result of government grants and/or contracts; and 3) what, if any, corrective actions are required under court decrees and/or governmental audits. Agencies may wish to seek the advice of the Law Department or consult with the DCAS Office of Citywide Diversity and EEO regarding the development of agency Diversity and EEO Plans.

The Diversity and EEO Plan should communicate the agency's intention to promote equal employment opportunity and diversity and inclusion by continuing effective measures or implementing new strategies and programs (i.e., preventive, corrective and risk management strategies in areas such as recruitment, training, selection, promotion, and policy dissemination standards) that prevent, diminish, or eliminate barriers to equal opportunity employment. DCAS will provide agencies with formats and recommendations for Diversity and EEO Plan development that are consistent with employment practices recommended by human resources management organizations and enforcement entities.

Although each agency's Diversity and EEO Plan will be tailored to the specific issues of that agency, there are some general measures that all agencies are required to implement. Each agency's Diversity and EEO Plan must, at a minimum, include the following:

- A commitment to ensure fair employment practices, and promote a workplace that values its employees in support of the City's diversity and inclusion strategy. The commitment will hold EEO Officers and representatives, human resources professionals, managers and supervisors accountable for ensuring that the agency does not discriminate against employees or applicants for employment and support the diversity and inclusion initiatives at the agency. This commitment should be reflected in the agency strategic plan, mission, vision, and performance metrics. It should also include the agency's strategy to ensure equal employment opportunity and to implement the best diversity and inclusion practices at the agency. The commitment should also be communicated to all employees through a Commitment Statement to affirm the principles of equal employment opportunity and diversity and inclusion.
- A commitment to assess recruitment efforts to determine whether such efforts adversely impact any particular group and what recruitment sources yield a diverse pool of qualified candidates. It should also include the agency's strategy to implement the best diversity and inclusion recruitment practices to ensure equal employment opportunity. Minimally, agencies should identify relevant professional and community organizations serving women and minorities throughout the City, review and update listings of recruitment outreach sources, and contact such organizations when positions not filled through civil service lists become available or where agencies may otherwise use discretion in hiring.
- A commitment to assess agency job postings to ensure appropriate diversity, inclusion, and equal opportunity employer messaging.
- A commitment to assess the manner in which candidates are selected for employment, to determine whether there is any adverse impact upon any particular racial, ethnic, disability, or gender group. To the extent that adverse impact is discovered, the agency head will determine whether the criteria being utilized are job-related. If the criteria are not job-related, the agency will discontinue using that method. Methods which diminish adverse impact will be preferred over those with greater impact, provided that the agency's job-related aims are not compromised by using the method with a diminished impact. Examples of selection methods which may diminish adverse impact include race/ethnicity-neutral and gender-neutral questions in interview materials and assembling interview panels that reflect gender, race and ethnic diversity. The agency will also ensure that, to the extent practicable, agency



personnel involved in both the discretionary and the civil service hiring pool process receive structured interviewing training and use structured interviewing in the selection process.

- A commitment to assess criteria for selecting persons for mid-level to high-level discretionary positions.
- A commitment to make career counseling about civil service jobs available for employees. Employees should be reminded of the identity of the agency's Career Counselor and the type of guidance which is available from the Career Counselor, at least once each fiscal year. Each agency should promptly notify agency employees and DCAS of any change in the identity of the agency Career Counselor.
- A commitment to ensure that all new employees are advised of this Policy, their rights and responsibilities under it, the discrimination complaint and investigation procedures, and the reasonable accommodation procedures.
- A commitment to establish a diversity, inclusion, and EEO training plan to ensure that all individuals who work within the agency, including managers and supervisors, are trained concerning diversity, inclusion, and EEO-related rights and responsibilities in a manner consistent with the minimum standards for diversity, inclusion and EEO training established by DCAS.
- A commitment to review on a regular basis and retain information about personnel actions, discretionary hiring, applicants, promotions, demotions, transfers, rates of pay, terms of compensation, and selection for training or apprenticeship as required by federal, state, and local law, and/or the City's official records retention schedule.
- A plan to meet obligations or remedies required or recommended as a result of government grants or contracts, court orders, consent decrees, or any audit/review conducted by a governmental agency.

Other measures which may be used to ensure fair employment practices include, for example:

- Advertising job vacancy notices in periodicals and websites with a diverse and inclusive readership.
- Sending job vacancy notices to professional and community organizations serving diverse and inclusive populations.

- Participating in career and job fairs.
- Whenever possible, promoting public service as a career choice at schools, colleges and universities.
- Using internships, work/study, co-op, and scholarship programs to attract interested persons and to develop and hire interested and qualified candidates.
- Sponsoring open houses (i.e., networking events, facilities tours).
- Working with appropriate DCAS personnel to review the competencies, skills and abilities required (as presented in job vacancy notices and notices of examination) for available positions to ensure that these standards are updated, job-related, and required by business necessity.
- Reviewing application forms and agency materials and products in order to ensure that they do not contain discriminatory language or images.
- Ensuring that human resources personnel, managers, supervisors, and other personnel involved in the recruitment and hiring process are trained in interviewing, selection, hiring skills, and EEO, to enable such individuals to correctly identify the most capable candidates.
- Implementing and encouraging inclusive skills and behavior standards for managers to ensure that they are able to maximize their professionalism, performance and communication skills.
- Conducting or encouraging the use of training and development programs to improve skills, performance, and career opportunities of all employees.
- Creating talent pools through employee surveys and databases, to promote cross-training, mentoring, coaching, stretch assignments, cross divisional assignments, job transfers, and rotation programs for career enhancement and development experiences.
- Planning and administering employee incentives, quality of work life and recognition programs, engagement surveys, performance evaluations, employee resource groups, and diversity councils.
- Promoting employees' awareness of opportunities for promotion and transfer within the agency, publicizing promotions and changes in the managerial ranks, and ensuring that the agency engage in succession planning for top managerial

positions. The agency considers its own employees for such opportunities by having programs that identify ready now and high potential talents.

The City of New York, through DCAS, will also:

- Provide the uniform procedures, formats, and reports required by the New York City Charter to facilitate the planning and review of the City's efforts to provide equal employment opportunity for employees and applicants for City government employment.
- Assess qualifications required for most civil service positions and ensure that civil service examinations are job-related and consistent with business necessity.
- Provide assistance to agencies to ensure that recruitment efforts fit particular human resource needs.
- Encourage agency job postings internally through City Jobs and externally through the City's website: <http://www1.nyc.gov/jobs/>
- Continue to conduct on-site EEO monitoring visits to agencies.
- Continue efforts to better ensure the accuracy of ethnicity and gender data.

## V. Enforcement and Accountability Standards

### A. Department of Citywide Administrative Services

DCAS is required to: 1) establish and enforce uniform procedures and standards for use by City agencies in establishing measures, programs, and plans to ensure equal employment opportunity, including a time schedule for the development, review and adoption of EEO plans; 2) establish a uniform format for use by City agencies for the presentation of statistical information on the workforce of City agencies; and 3) develop resources regarding information on employment and educational programs.<sup>18</sup> DCAS is also required to publish and submit annual reports on the activities of DCAS and the other City agencies with respect to equal employment opportunity.<sup>19</sup>

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<sup>18</sup> See Charter Sections 814(a)(12)-(15).

<sup>19</sup> See Charter Section 814(b)(8).

Within DCAS, the Office of Citywide Diversity and EEO assists the Commissioner to develop and enforce the Policy, standards, and procedures. The Office of Citywide Diversity and EEO will assist City agencies by developing or collaborating on solutions, strategies and initiatives to effectively implement the provisions of the City Charter and other federal, state, and local laws, and monitoring the EEO-related activities of City agencies. In addition, DCAS maintains the data that is necessary in order to fulfill the City's EEO obligations under the City Charter and other federal, state and local laws.

## B. Agency Heads

Each agency head will ensure that his or her agency does not discriminate against employees or applicants for employment as prohibited by federal, state and local laws.<sup>20</sup> Agency heads are accountable to their respective Deputy Mayors for their agencies' EEO practices. Agency heads will also ensure that legal, human resources, and EEO personnel, managers, and supervisors: 1) receive a copy of this Policy (including any addenda); 2) are trained in EEO laws and procedures; and 3) know how to carry out their responsibilities under this Policy. Agency heads must distribute a copy of the EEO Policy Handbook, "*About EEO: What You May Not Know*" to all employees and ensure that a copy is available on the agency's website.

As discussed in Section IV, each agency head must annually adopt and implement a Diversity and EEO Plan that communicates measures and programs that the agency will undertake to ensure fair and effective efforts to provide equal employment opportunity. Draft Diversity and EEO Plans are to be developed and submitted each fiscal year according to the timetable and format established by DCAS, and must be reviewed and approved by DCAS. Agencies are required to file copies of finalized agency Diversity and EEO Plans with the Mayor, the City Council, the Equal Employment Practices Commission ("EEPC"), and the City Civil Service Commission, and to also make Diversity and EEO Plans available for reasonable public inspection.<sup>21</sup>

Each agency head will then submit quarterly reports to DCAS, as well as to the Mayor, City Council, and EEPC, on the agency's efforts during the previous quarter to implement the agency Diversity and EEO Plan. Such quarterly reports will also include a review and documentation of EEO complaints and requests for reasonable accommodations for said quarter. Quarterly Diversity and EEO reports must, pursuant to the City Charter, be timely submitted to DCAS and the other entities mentioned above, no later than thirty (30) days following the reporting period using the reporting format provided by DCAS.

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<sup>20</sup> See Charter Section 815(h).

<sup>21</sup> See Charter Section 815(a)(19).

In order to meet the City's obligations under the City Charter and other federal, state and local laws, and to achieve the goals of the agency Diversity and EEO Plan, each agency head must appoint a trained EEO Officer whose responsibility it will be to implement the Policy within that agency. Because EEO Officers will need independence of judgment as well as the authority of the agency head in order to carry out their responsibilities, the EEO Officer must report directly to the agency head, or if approved by DCAS, to a direct report to the agency head. In order to avoid potential conflicts of interest, under no circumstances should the EEO Officer report to the General Counsel. Where the agency's organizational structure necessitates multiple EEO representatives, such individuals should be selected from different office locations and, where possible, from a variety of levels within the organizational structure. The agency head must ensure that the responsibilities of the EEO Officer are competently discharged.

Agency heads should appoint at least two EEO representatives, who may not be of the same gender, to receive discrimination complaints and conduct investigations. Each agency head must designate a Career Counselor with appropriate training and knowledge, who is familiar with civil service jobs, to provide career counseling to employees who request such guidance. The agency head should also designate a Disabilities Rights Coordinator, whose responsibility it will be to ensure compliance with all federal, state, and local laws, as well as City and agency policies, pertaining to persons with disabilities. Usually the EEO Officer of each agency should serve as the Disabilities Rights Coordinator; however, when circumstances warrant, an agency head may designate another person to serve as the Disabilities Rights Coordinator.

Agency heads are required to sign off on all agency Diversity and EEO Plans and final determinations concerning EEO complaint resolutions and should conduct a quarterly review of EEO complaints and requests for accommodations. Such sign off may be in written or electronic form. Each agency head will ensure that all employees are provided with information that complies with the standards provided by DCAS regarding employee rights and obligations contained within this Policy, and with information about the complaint, investigation and reasonable accommodation procedures. The agency head will also ensure that the Policy, standards, and procedures are posted at each site where the agency conducts business. Such posting may include postings on electronic bulletin boards and intranet sites. Each agency head will ensure that each of the agency's employees is accountable for his or her compliance with EEO-related policies, and receives training in EEO laws.

Agency heads should ensure that information regarding employee rights and obligations, and the complaint, investigation, and reasonable accommodation procedures are available in appropriate alternative formats to employees and job applicants with disabilities.

### C. EEO Officers

The agency's EEO Officer has primary responsibility for assisting the agency head in implementing the Policy, standards, and procedures. Specifically, the agency's EEO Officer must be knowledgeable regarding EEO laws, the requirements of the Policy, standards, and procedures, and how to prevent, investigate, and resolve discrimination complaints. The EEO Officer and/or Disability Rights Coordinator will also receive requests for accommodations, and recommend appropriate action to the agency head regarding EEO-related issues. The EEO Officer will also provide guidance to the agency head in submitting the agency's annual Diversity and EEO Plan and in preparing and reviewing quarterly reports. The EEO Officer should work closely and cooperatively with the agency's General Counsel and the DCAS Office of Citywide Diversity and EEO, and provide guidance and assistance to agency managers, supervisors, and human resource professionals in addressing issues relating to equal employment opportunity.

The EEO Officer will also: 1) set training objectives that ensure that all agency employees receive diversity and inclusion and EEO training; 2) supervise the EEO-related activities of EEO counselors and/or investigators; 3) ensure that the Policy, standards, and procedures are posted at each site where the agency conducts business; and 4) ensure that the Policy, standards, and procedures are available in alternative formats (i.e., large print, audio tape, and/or Braille). Each agency's EEO Officer shall make a copy of these standards and procedures, and any subsequent revisions and supplemental materials, available upon request by an employee or applicant.

### D. Agency General Counsels

Agency General Counsels should: 1) assist the agency head in identifying and determining appropriate responses to EEO issues; 2) work cooperatively and closely with the EEO Officer in the implementation of the Policy, standards, and procedures; 3) inform the EEO Officer when external complaints or litigation involving EEO matters are brought against the agency; 4) be available to consult on internal EEO investigations; and 5) be responsible for the investigation of, and response to, external EEO complaints.

### E. Managers and Supervisors

Managers and supervisors will make every effort to maintain a work environment that fosters sensitivity and respect for the diversity of all individuals. Specifically, each agency manager or supervisor shall: 1) be accountable to the agency head for effectively implementing EEO-related policies; 2) perform managerial or

supervisory responsibilities in a non-discriminatory manner; 3) receive training in EEO laws; 4) cooperate with the EEO Officer in the implementation of the Policy, standards, and procedures (including training, complaint resolutions, processing, recording, and reporting reasonable accommodation requests, EEO-related recruitment, and selection standards; and modifying agency procedures to ensure equal employment opportunity for applicants and employees); 5) promptly consult with the agency's EEO Officer if he or she observes, learns about, or suspects that a violation of this Policy has occurred; 6) where appropriate, encourage subordinates to consult with an EEO office; 7) allow employees to meet with EEO representatives at the earliest practical time consistent with the operational needs of his or her unit; and 8) maintain confidentiality with respect to EEO-related matters.

#### F. Personnel Officers

Personnel Officers have primary responsibility for assisting the agency head in implementing the City's personnel policies and shall be knowledgeable regarding the interplay of EEO-related laws and other work-related legal regulations including Family Medical Leave Act, New York State Civil Service Law, and Workers' Compensation Law. Personnel Officers should cooperate with EEO Officers in the implementation of the Policy, standards, and procedures including training objectives, complaint resolutions, and modifying agency procedures to ensure equal employment opportunity for applicants and employees.

Personnel Officers will also: 1) ensure that employees know the identity of the agency Career Counselor and ensure that all employees have access to information regarding job responsibilities, performance evaluation standards, examinations, training opportunities and job postings; 2) ensure that all new employees are advised of the Policy, standards, and procedures, the employees' rights and responsibilities under such policies, and the discrimination complaint procedures; 3) inform the EEO Officer on a quarterly basis of the number of 55-a Program participants and efforts that the agency has made to employ, promote, or accommodate qualified individuals with disabilities; 4) involve the agency EEO Officer in the review of EEO-related decisions, actions, and practices; and 5) promptly consult with the agency's EEO Officer if he or she knows, has been informed of, or suspects that a violation of this Policy has occurred.

